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ABSTRACT

The initiative for this two volume study was taken by officials in the Department of Health, Education, and Welfare in response to mounting concerns and divided opinions about the use of accreditation to establish the eligibility of postsecondary institutions for federal programs. Conclusions and recommendations include: (1) Accreditation should continue to serve as one means by which postsecondary schools become eligible for federal programs. (2) The functions of reviewing accrediting agencies and recommending some for inclusion on the Commissioner of Education's list of recognized agencies should be largely transferred to the Council on Postsecondary Accreditation. (3) The Office of Education should institute a program to improve the training of state education staff and to gain their fuller cooperation in enforcing federal eligibility regulations. (4) Student loans should be insured against school closure. (5) No really satisfactory solution exists to the problem of determining the quality and eligibility of over 13,000 postsecondary schools. Chapters cover the meaning and origins of accrediting, accrediting agencies, regional accreditation, approval systems for veterans, student loan programs, consumer protection. Appendixes include selected cases of accreditation, accreditation of veterinary schools, diploma mills, and a list of accrediting agencies. (Author/PG)

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PRIVATE ACCREDITATION AND PUBLIC ELIGIBILITY

Volume I

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by

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Abbreviations

AACRAO - American Association of Collegiate Registrars and Admissions Officers

AAJC - American Association of Junior Colleges

AAU - Association of American Universities

AAUP - American Association of University Professors

AAUW - American Association of University Women

ABA - American Bar Association

ACBS - Accrediting Commission for Business Schools (subsequently, the AICS Accrediting Commission)

ACE - American Council on Education

ACLU - American Civil Liberties Union

AICS - Association of Independent Colleges and Schools

AIES - Accreditation and Institutional Eligibility Staff, U.S. Office of Education

AMA - American Medical Association

ARS - Agricultural Research Service, U.S. Department of Agriculture

ASCP - American Society of Clinical Pathologists

AVMA - American Veterinary Medical Association

CAC - Cosmetology Accrediting Commission

CCM - Crowell-Collier-Macmillan

DSA - Division of Student Assistance, U.S. Office of Education

ECS - Education Commission of the States

EOG - Educational Opportunity Grants

FAA - Federal Aviation Administration

FAS - Famous Artists Schools

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FICE - Federal Interdepartmental Committee on Education

FRACHE - Federation of Regional Accrediting Commissions of Higher Education

FTC - Federal Trade Commission

FY - Fiscal Year (July 1 - June 30, designated by the year in which June falls)

GSLP - Guaranteed Student Loan Program

HEW - U.S. Department of Health, Education, and Welfare

IIS - Institute of International Studies, U.S. Office of Education

IRS - Internal Revenue Service

LTV - Ling Tempco Vought (a corporation owning a chain of proprietary schools)

MDTA - Manpower Development and Training Act

NAC - National Accreditation Council for Agencies Serving the Blind and Visually Handicapped

NASAA - National Association of State Approving Agencies

NASU - National Association of State Universities

NATTS - National Association of Trade and Technical Schools

NCA - National Commission on Accrediting

NCATE - National Council for the Accreditation of Teacher Education

NCRRA - National Committee of Regional Accrediting Agencies

NDEA - National Defense Education Act

NDSL - National Defense (subsequently "Direct") Student Loans

NHSC - National Home Study Council

NIH - National Institutes of Health

NLN - National League for Nursing

NSF - National Science Foundation

NUEA - National University Extension Association

OE - U.S. Office of Education

OEO - Office of Equal Opportunity

R&D - research and development

SASHEP - Study of Accreditation of Selected Health Educational Programs

SAT - Scholastic Aptitude Test

UFCT - United Federation of College Teachers

USOE - U.S. Office of Education

VA - Veterans Administration

VISTA - Volunteers in Service to America

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Introduction

This study was begun in June 1972 under a contract between the Office of Education and the Brookings Institution and was transferred to the National Academy of Public Administration Foundation in July 1973 by agreement of the Office, Brookings, and the Foundation upon my transfer to the Foundation staff.

The initiative for the study was taken by officials in the Department of Health, Education, and Welfare in response to mounting concerns and divided opinions about the use of accreditation to establish the eligibility of postsecondary institutions for federal programs. In June 1971, a report to the Congress by HEW Secretary Elliot Richardson had recommended that the Commissioner of Education initiate a study of recognized accrediting agencies and of other means of discharging their functions, including the possible creation of "a Congressionally-chartered public corporation to promote the national coordination of accreditation." In November 1971, a draft report on Accreditation and Institutional Eligibility by a committee chaired by Frank Newman of Stanford, which had been organized at the suggestion of HEW Secretary Finch and Assistant Secretary Butler, created a furor in accrediting circles by recommending that a Federal Commission on Institutional Eligibility be established to determine the eligibility of institutions on the basis of criteria independent of accreditation. Many in the accrediting community viewed that as a threat to establish a system of direct government accreditation; but they were also concerned about the growing government regulation of accrediting agencies in the course of the process by which the

Commissioner recognized agencies for eligibility purposes.

HEW officials initially asked for two inquiries: one, into accreditation per se, especially accreditation standards and their educational and institutional consequences; and the second, into the use of accreditation for eligibility purposes. I declined to pursue the first inquiry for several reasons: a) The second seemed complicated enough. b) A study of standards would remain purely formal unless an assessment were made of the extent to which different standards were actually enforced by different accrediting agencies at representative institutions; that would require a major study in its own right. c) In the aftermath of the Newman report, the propriety or, at any rate, wisdom of an outside, government-sponsored inquiry into private accrediting standards was questionable.

Even confined to the question of accreditation and eligibility, the study has been the most difficult I have ever conducted because of the complexity and intractability of its technical and political problems; the ephemerality of many "postsecondary" "schools" and "programs" (not to mention "accrediting" activities), which, if they do exist, like the tracks of the abominable snowman leave no reliable clues to their nature; and the changeability of government and private policies and practices. It has required a consideration of the number of postsecondary schools, which is unknown and changes constantly; and of their nature, which ranges from hospital "schools" with no students to universities with 40,000. It has required an exploration of accrediting agencies, which arouse astonishing passions, which accredit anywhere from no schools to more than 1,000, which undergo frequent changes in their composition, procedures, organization, and standards, and about which it seems impossible to make any statement with which everyone will agree except that "accrediting" begins with an "a." It has required an examination of innumerable government programs which have utilized accreditation directly or indirectly for decades; which involve students, institutions, and faculty; government appointments, draft exemptions, and entry visas; and the educational, professional and occupational licensing laws and regulations of fifty states. A computer printout prepared by the Air Force Judge Advocate General showed over 200 uses of the term "accreditation" or derivatives in 25 of the 50 titles of the U.S. Code, and none, apparently, was defined.

Confronted with the three ill-known, open-ended, and changing worlds of postsecondary education, accreditation, and eligibility, a number of compromises had to be made. In the postsecondary world, we concentrated on the problems of proprietary schools; in the world of accreditation, on the work of the agencies accrediting degree-granting institutions and proprietary schools, which are relied on most heavily for eligibility pruposes; and, in the world of government eligibility, upon the programs of widespread student aid, especially veterans benefits and guaranteed student loans, which pose the problems of student protection and school eligibility that have been of great Congressional and public concern. We had been asked and sought to examine the special problems of accreditation and eligibility in allied health areas, which take much of the time of OE and HEW staff. But a special commission directed by William Selden was working on this difficult set of problems and, after repeated consultations, I concluded that there was nothing we could usefully contribute to their important and delicate efforts.

A variety of methods was employed. Visits were paid to all seven regional accrediting commissions for higher education, the three major agencies accrediting proprietary schools, and over fifteen other agencies recognized by the Commissioner of Education and/or the National Commission on Accrediting. Staff accompanied accrediting visits to universities and schools, attended all meetings of the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility (including executive portions) held during the course of the study, a meeting of the National Commission on Accrediting, and at least a dozen other meetings at which accreditation issues were discussed. Interviews were conducted and correspondence exchanged with recognized spokesmen for, critics of, and authorities on accreditation; with the leaders and staff of educational and professional associations; and with a number of school owners and representatives. Discussions were held with the staff of state education departments, veterans approving agencies, and consumer protection agencies; with lawyers and other spokesmen for students victimized by predatory trade, business, and correspondence schools; with officials and staff of the Office of Education, the Federal Trade Commission, the Veterans Administration, and Congressional committees most actively concerned with institutional eligibility and student financial aid.

The published and unpublished literature on accreditation, state licensure, and proprietary schools was examined. Newspaper stories were clipped and followup inquiries made; educational and accrediting newsletters were read assiduously. A study was made of selected cases in which law suits or public events placed on record unusually detailed evidence of the operations and importance of accreditation. Much evidence was volunteered by parties involved in contentious cases (concerning, for example, the accreditation of schools for the blind, for chiropractors, pharmacists, and medical laboratory technicians). We were visited by representatives of at least four fields and two countries contemplating the initiation of accrediting. We collected statistics and made special computer runs in attempts to estimate the number, kinds, and enrollments of accredited and unaccredited, eligible and ineligible schools, and the amount of funds going, in major federal programs, to accredited schools and to unaccredited schools eligible in other ways. Questionnaires were sent to, and responses received from, the directors of all recognized accrediting agencies and state approving agencies for veterans.

Questionnaires and letters of inquiry were also to have been sent to the owners of selected accredited and unaccredited proprietary schools and to the presidents of a number of accredited and unaccredited, traditional and nontraditional colleges, to request their views on accreditation and its use by the government. These inquiries had to be dropped because of the delays imposed in obtaining government clearance of the forms. The clearance was professional, not political; nonetheless, it was pedantic and protracted and represented a clear case of one arm of the government, with the best of intentions, obstructing another arm.

A draft of the present report was prepared in February 1974 and distributed for comment and discussion to some 300 persons.

Detailed responses were received from over fifty persons, as well as from two reading committees appointed, respectively, by the Brookings Institution and the Office of Education. The report was also discussed at two day-long meetings in April 1974; at a meeting of veterans state approving agency officials; and at several sessions with OE staff. Comments from authorities of comparable standing ranged from "the most penetrating and comprehensive analysis of accrediting in our history" to "the report should be...put in your [OE] files for a good long rest!" The style, scholarship, balance, and recommendations were praised and damned. Some such reception was anticipated in the initial study prospectus, which quoted from the 1662 preface to the Book of Common Prayer:

> And having thus endeavoured to discharge our duties in this weighty affair...and to approve our sincerity therein (so far as lay in us) to the consciences of all men; although we know it impossible (in such variety of apprehensions, humours and interest, as are in the world) to please all; nor can expect that men of factious, peevish, and perverse spirits should be satisfied with anything that can be done in this kind by any other than themselves: Yet we have good hope, that what is here presented, and hath been... with great diligence examined and approved, will be also well accepted and approved by all sober, peaceable and truly conscientious...sons.

While it was impossible to please everyone, all comments received careful attention and many corrections and revisions resulted.

A few words about the organization of the report may help some readers to select those portions which are of special interest to them. A quick digest can also be obtained by reading the summaries at the beginning of each chapter.

Chapter A, which presents our policy conclusions and recommendations, follows consecutively from the discussion in Chapter L of accreditation and other systems by which schools can be rendered eligible for public programs. Several advisers felt that the report was so long that diligent readers might not live to reach the end, and, at their suggestion, it has been placed first. Hardy, youthful, or conservative readers may prefer to read it last.

The empirical content, presented in Chapters B through K, begins with sketches of the origins of accrediting and of the Office of Education's thin involvement with it until 1965, in Chapters B and C respectively. Chapter D describes the operation of the OE Accreditation and Institutional Eligibility Staff and advisory committee, and some of their major policy objectives; Chapter E, the experience with, and opinions of, AIES, eligibility issues, and related matters reported to us by representatives of recognized accrediting agencies.

Chapter F evoked so few comments from readers that few may have read it. Nonetheless, it is a lynchpin of the report, attempting to assess the size of the postsecondary universe, the number of accredited and unaccredited institutions, such characteristics of each as can be gleaned from available statistical and descriptive comparisons, and the extent to which institutional accreditation represents a reliable mark of quality. Chapter G presents a limited amount of evidence on the delicate question of whether regional accreditation is a reliable mark of an institution's probity. This chapter has been criticized more severely than any other; many readers felt it should be dropped; their arguments are discussed and rejected.

Chapters H, I, and J examine the eligibility systems of the major federal programs of student financial aid: veterans' benefits (H), guaranteed student loans (I), manpower training

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assistance and social security benefits for student beneficiaries (J). Chapter J also briefly discusses two other institutional eligibility systems, for research awards and foreign schools, which are of special significance to our central problem because accreditation plays no part in either.

To judge from readers' comments, Chapter K is less contentious than Chapter G. Can it be because the malpractices noted in K are of most concern to proprietary schools whereas those dealt with in G occur at universities and colleges? In several respects, the two chapters are complementary: each presents second-hand evidence designed to note, not to document methodically, distressing problems which accreditation has not resolved or, in the case of colleges, even confronted.

Chapters L and A take the dangerous but necessary leap from fact to theory, experience to generalization, administration to policy. Chapter L discusses factors that make institutional eligibility important or unimportant in different programs; the place of accreditation as one of these factors, especially in OE programs; the Newman committee proposal to dispense with accreditation; and the advantages and disadvantages of the few practicable alternative systems which might rely on the determinations of a) private accrediting agencies, b) state agencies, c) a new national commission, or d) OE staff. Chapter A continues the argumentation in Chapter L and offers a number of recommendations with regard to accreditation and eleigibility, student protection, and improved institutional information.

Acknowledgments

Through happenstance, the study which brought me to Brookings in 1960 was also conducted under contract for the Office of Education. My preface to that report stated, "As...the direct or devious inhibition of the freedom of investigators by federal agencies is so common a theme in some quarters, it is a special pleasure to record that the Office did not influence or attempt to influence a word of this report."[1] That was also true of this study. Well, to be honest, there were words and conclusions which some OE staff and readers would have liked to see changed; but their views were expressed as opinions, not injunctions (not that injunctions would have changed anything) and my colleagues and I remain responsible for every word and number in this report, which were freely chosen, freely reexamined, and freely modified or retained.

The form "we" is used in the text to reflect our common labors. The order of authorship reflects the order of time and responsibility which each of us gave to the work. Jean Levin was responsible for the research and writing of the first draft of Chapters I, J, K, and Appendix I; Elizabeth Bauer, for many source materials of Chapters B, C, E, H, and J, for the 100 percent response on the two surveys of accrediting and veterans approving agencies, for the research and writing of Appendix II, and for helpful editing of the entire first draft; George Arnstein was responsible for the research and first draft of Chapters H and Appendix III, for contributions to

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[1] Harold Orlans, *The Effects of Federal Programs on Higher Education*, Brookings Institution, Washington, D.C., 1962, pp. x-xi.

Chapter J, and (after leaving the project in September 1973) for continuing information and advice on matters dealt with in Chapters A, H, K, and L. All three contributed comments and corrections to the entire first draft. I am primarily responsible for the other chapters, for the design and direction of the study, for the final revisions, and for most of the mistakes which remain. Sharon Basiger at Brookings and Laurie Buller and Carla Starkey at the Foundation were responsible for the secretarial work.

At Brookings, the study was at first under the administrative supervision of Phillip S. Hughes and later, of Gilbert Y. Steiner; at the Foundation, of Roy W. Crawley. James M. Mitchell, director of the Brookings Advanced Study Program, was most helpful at critical phases, particularly during the transition from Brookings to the Foundation. He also chaired an advisory committee which met twice, toward the outset and conclusion of the work, to discuss the underlying issues and preliminary conclusions. Other members of the committee were: Homer D. Babbidge, Jr., President, University of Connecticut and Master, Timothy Dwight College, Yale; Stephen K. Bailey, Chairman, Policy Institute, Syracuse University Research Corporation and Vice President, American Council on Education; Louis A. Dimasi, Director, Penn Technical Institute, Pittsburgh, and Secretary, National Association of Trade and Technical Schools; Kenneth B. Hoyt, College of Education, University of Maryland and Associate Commissioner for Career Education, U.S. Office of Education; Morris T. Keeton, Provost, Antioch College; Richard M. Millard, Director, Higher Education Services, Education Commission of the States; William K. Selden, Princeton, N.J.; William G. Shannon, Vice President, American Association of

Community and Junior Colleges; and William H. Stewart, Chancellor, Louisiana State University Medical Center.

Three HEW officials served as a committee for liason purposes: Russell Edgerton of the HEW Secretary's office, a member of the Newman group and subsequently deputy director of the Fund for the Improvement of Postsecondary Education; John R. Proffitt, director of the OE Accreditation and Institutional Eligibility Staff since its formation in 1968; and Salvatore B. Corrallo (assisted by Robert H. Berls and William D. Green) of the OE Office of Planning, Budgeting and Evaluation, which provided the funds and was officially responsible for monitoring the study.

John R. Proffitt, Leslie W. Ross, Ronald S. Pugsley, Joseph M. Hardman, and Ruth W. Crowley of the OE Accreditation and Institutional Eligibility Staff were unfailingly cooperative. Their files were freely opened to us, agenda books were provided for all advisory committee meetings, and they met repeatedly with us to discuss policy issues, explain their work and problems, and to answer endless questions. Others who should be thanked for their special helpfulness include: David Bayer and Alice F. Hansen of the OE Division of Insured Loans; Commissioner Mary Gardiner Jones and John Cunningham of the Federal Trade Commission; Myron Wolowitz of the Veterans Administration; Arthur Feldman, then president of the National Association of State Approving Agencies; Jesse Ostroff of the National Agricultural Library; Frank Todd of the American Veterinary Medical Association; Frank G. Dickey, Jerry W. Miller, and Crystal Crone of the National Commission on Accrediting; Robert Kirkwood of the Middle States Commission and the Federation of Regional Accrediting Commissions of Higher Education;

Richard A. Fulton of the Association of Independent Colleges and Schools; Mark Berry of Christie and Berry, El Paso, Texas; Riki Rothschild, Consumer Counseling Services, Austin, Texas; E. William Quinton and Janice Boyd of the Texas Education Agency, Austin; Carol Wennerdahl of the Illinois Guaranteed Loan Program; and C. William Tayler of Sachs, Greenebaum & Tayler, Washington, D.C.

In addition to those already mentioned, many persons submitted detailed comments and corrections on the draft report, participated in meetings and discussions, or were helpful in other ways. Among these were: Frank N. Albanese, Lane Ash, Robert Badal, Jack Barnes, Edward Blankstein, Harland G. Bloland, Marvin P. Busbee, Michael H. Cardozo, Joseph Clark, Ronald Clark, Audrey Cohen, Harris S. Cohen, R. Orin Cornett, Alan Dean, Bernard Ehrlich, Lloyd Elliott, Matthew W. Finkin, William A. Fowler, Lawrence I. Fox, Lawrence D. Freeman, William C. Gescheider, Thomas J. Ginley, William A. Goddard, William M. Goode, Charles Haslam, Kenneth Hatanpa, Bertrand M. Harding, Dana R. Hart, J.B. Hefferlin, Leo Herbert, Harold L. Hodgkinson, Harold Howe II, Herbert Kaufman, Ralph C. Kuhli, Eileen Kuhns, John Leslie, Jeanette Lynch, Sar A. Levitan, Colin R. Macpherson, Maggie Matthews, Philip O. McCarthy, Dorothy McMullan, Lloyd E. Messersmith, John D. Millett, Peter R. Muirhead, Layton Olson, Allan O. Pfnister, Fred O. Pinkham, Sterling R. Provost, Aaron Rosenthal, H. David Reese, Ina Lea Roe, Virginia Rubin, Robert W. Salling, Charles B. Saunders, Harold Seidman, Paul S. Shapiro, Richard Smith, David T. Stanley, Paul Starr, Robert P. Van Tries, Charles Ward, William Wenzel, Theresa B. Wilkins, J.L. Zwingle. I apologize for omitting any names that should be included and including any that would rather

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be omitted.

Verne Stadtman of the Carnegie Commission on Higher Education kindly provided an advanced copy of the commission's report Toward A Learning Society; the extract from David Riesman's Constraint and Variety in American Education, Doubleday & Co., New York, copyright 1958, is reproduced on pp. 23-24 by permission of the author and publisher.

Harold Orlans

A. Conclusions and Recommendations

Summary

Accreditation should continue to serve as one means by which postsecondary schools become eligible for federal programs. However, OE should rely less heavily, and in no case solely, on it. A private committee should be established to offer an alternative channel of eligibility for useful unaccredited schools.

The function of reviewing accrediting agencies and recommending some for inclusion on the Commissioner of Education's list of recognized agencies should be largely transferred to the Council on Postsecondary Accreditation. The commissioner's Advisory Committee on Accreditation and Institutional Eligibility should serve as the final appellate body for recognition purposes; the committee and staff should cease their promotion of accreditation and concentrate on alternative avenues of eligibility, additional requirements for eligibility and the removal of eligibility, and measures of student protection. All eligible schools should meet the same requirements; accredited schools should receive no special privileges such as the right to refund less tuition to a student who drops out.

OE should institute a program to improve the training of state education staff and to gain their fuller cooperation in enforcing federal eligibility regulations.

Student loans should be insured against school closure. Colleges as well as proprietary schools should be required to notify students about their tuition refund policy. We endorse other measures recommended by the 1974 Denver conference on consumer protection in postsecondary education.

To inform students adequately, some critical institutional information must be published. Reports and ratings of named schools should be prepared by private organizations with federal and private funds. Special studies are needed of ineligible and unaccredited schools, and of the incidence of educational malpractices. School dropout and job placement rates should be provided.

No really satisfactory solution exists to the fearsome problems of determining the quality and eligibility of over 13,000 postsecondary schools. We can only do our best with the resources, facts, and judgment that can be brought to bear on the problems.

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We were asked to examine the merit of using accreditation as a condition of eligibility in federal, and especially OE, postsecondary educational programs. We will summarize our conclusions about the present OE eligibility system. Then we will recommend various changes which represent a compromise between the Newman proposal to discard accreditation completely and the excessive reliance which OE has placed on it. Finally, we will discuss the related problems of student protection and the provision of better public information about postsecondary institutions.

First, however, a major qualification is in order. The problems of monitoring the business and educational operations--even the names and addresses--of over 13,000 postsecondary schools and 50,000 to 100,000 or more programs to determine which should be eligible for widespread federal benefits are technically ferocious and politically contentious. The interests at stake are intractably conflicted. No course of action can please all major parties, and the opposition of any one--the regionals, proprietary schools, universities, community colleges, the established professions, state or federal officialdom--can frustrate and defeat a course that the others may deem entirely reasonable. Social science has no magic wand with which to conjure up solutions that everyone will admire and no one has ever thought of. Are we obligated to recommend a solution if we see none? We want to be useful, but we must above all be honest. To toot on a convenient horn and then walk away is to be neither.

Thus we must, regrettably, conclude that we see no really satisfactory solution to the general eligibility problem--to identifying fairly and reliably which postsecondary offerings students receiving federal aid should be free to choose. Present eligibility systems and all practicable alternatives have serious defects. By the same token, several eligibility systems are workable, if defective. There are weaknesses in both the veterans and insured loan systems, but each is workable; diligently administered, the faults can be reduced. Defects are not disasters.

The first sentence of the foregoing paragraph has provoked criticism; one reader called it "appalling." Nonetheless, it states a vital, unwelcome truth which reflects the scale, complexity, diversity, and changeability of "postsecondary" education. No simple or final solution is at hand to the complex problems of complex people exploiting complex federal programs: it is no solution for half the people to regulate and inspect the other half on alternate days. The eligibility problem was with us after the GI Bill of World War II; it is with us today; and it will be with us for years to come.

The OE Eligibility System

OE has relied heavily, for eligibility purposes, upon the lists of accredited schools and colleges which are the product of social as well as technical judgments. Statements about the differential quality of educational institutions are inherently subjective or social judgments, and the tests and indicia which purport to measure quality objectively merely represent subjective judgments, once removed, of what the objective signs of "quality" are. Such judgments can safely and rightly be made only by private citizens. Government officials dare not draw permanent public invidious distinctions among institutions: that was true in 1912 and 1913 when Presidents Taft and Wilson suppressed publication of such distinctions which the Bureau of Education had made (see Chapter B); and it remains true today. The government can make ad hoc distinctions: these form the basis of most research, procurements, manpower training, and individual fellowship awards. But fixed invidious distinctions smack too much of arbitrary and discriminatory treatment.

The unique value of accreditation is that it makes such distinctions publically available for any and every use, reasonable or unreasonable, to which anyone may care to put them. The technical validity of the distinction is less important than the fact that it is made. It could be made by divining rod, so long as the results were published by a respected body. Unfortunately, the more eminent educators who heap scorn on accrediting, the less will it be respected. Searching research is also disenchanting, disclosing the feebleness, follies, and self-interest of accrediting bodies. The public strength of accreditation rests on its mystique, and that is best preserved with little knowledge. Its strength also rests on the allegiance of precisely those eminent institutions whose presidents are most inclined to scorn it.

That is just one of innumerable anomalies of accreditation: that some of its most caustic critics have been its principal leaders: that for all the criticism, accreditation is good, not bad: that critics must attack and cannot ignore what they so disparage. Accreditation rouses deep passions unwarranted by its amateurish processes and the poverty and private disrespect in which so many earnest accrediting agency staff are held. Somehow, this quaint, demeaned, and yet important mark, "accredited," touches the honor of educators who have no other equally widespread symbol of worth.

No distinctions comparable to those of accreditation are available from any source for so many postsecondary institutions and programs. The closest approximation, the distinctions made by veterans approving agencies, accepts the work of many accrediting agencies. But, as befits government staff, approving agencies are concerned less with judgments of quality than with objective administrative standards; and "approved for veterans" lacks the mystique of "accredited." If a new system were to be developed to augment or replace the quality distinctions of accrediting agencies, it would have to be a private system.

A weakness of regional accreditation is that it has, for most practical purposes, stopped making quality distinctions. That will be denied--any statement about accrediting will be denied on good grounds by some authority--but we believe it is true, for how can distinctions be drawn when virtually all degree-granting institutions are accredited? The accreditors' response that all accredited schools are of minimal quality--though often they slip into a rhetoric of good or assured quality--and yet constantly improving is Panglossian. Even were it true, it would not help the public to choose. Nothing would do more to revive the value of accreditation to the public than a restoration of the classifications of institutional quality or character which were widespread in its formative years (see Chapter B); but that does not seem likely. Such a step was recommended by a 1959 NCA conference,[1] with as little discernible effect as we expect from this recommendation. A useful substitute would be the replacement of agency monopolies by multiple accrediting in the same field or region, particularly if the standards and purposes of each agency are clearly distinct. We therefore recommend that OE modify its opposition to the recognition of more than one agency in a geographic or educational area. Present OE policy discriminates against new agencies, grants an unfair monopoly to established agencies, and acts as a conservative force against the "innovation" OE supposedly favors. OE now tries, for example, to encourage "innovation" by the regional commissions while effectively discouraging the formation of a new accrediting agency for innovative colleges. It should do just the opposite: stop harrassing the regionals and recognize new agencies which, espousing different standards, may give them a little healthy competition. Recognition should be granted to any agency which meets the commissioner's criteria to the same degree as do listed agencies. Unlike present practice, no higher standard of compliance should be required of agencies applying for initial than for renewed recognition.

The disadvantages of employing institutional accreditation for eligibility purposes, discussed in Chapter L, may be restated briefly:

1. Institutional accreditation is simpler than program accreditation but less pertinent to the nature and usefulness of the education a student will actually receive.

2. It is redundant, but unobjectionable, for degree-granting institutions, since four-fifths are regionally accredited and most of the remainder are eligible in alternative ways.

3. It is least satisfactory in the volatile proprietary school sector, where no alternative avenue of eligibility obtains. The

government has thereby obliged unaccredited schools to kneel before one and only one private organization, which many regard as a trade association, or be denied public benefits. A considerable number of schools have been denied any avenue of eligibility, because no recognized agency exists in their field. Many thousands of students have been denied insured loans for local vocational training because of the absence of accredited schools in their state.

4. Weak-kneed OE administration has maintained the eligibility of accredited schools despite their flagrant abuse of insured loans. OE has waited with infinite patience for disreputable schools to be disaccredited rather than acting directly to withdraw eligibility. OE has not just employed accreditation as an administrative convenience, which would be quite justifiable: it has relied excessively, ineffectually, and inexplicably on accrediting agencies to escape its own managerial responsibilities.

5. Without an alternative way to render eligible schools which are unaccredited or accredited by an unrecognized agency, the OE review of recognized agencies becomes a charade. It cannot be taken seriously so long as recognition cannot be withdrawn, because OE has no alternative means to render eligible the worthy schools which would thereby become ineligible.

6. Many accrediting agencies are uncomfortable with the OE review process, recognizing the dangers of government regulation. But public regulation is an inevitable concomitant of private monopoly. The monopolistic power of recognized agencies over access to federal benefits should be broken wherever it exists and their regulation by the government should be correspondingly relaxed.

We do *not* recommend dropping accreditation as *one* condition of eligibility. *We do recommend against relying on it as the sole avenue of eligibility for any program.*

Programs involving a small number of schools should not introduce accreditation at all as a condition of eligibility. Staff may make such use of accreditation and fifty other factors as, in their judgment, is warranted by the objectives of the program and the nature of accrediting in that particular area. *The larger the number of schools involved, the stronger is the case against confining eligibility to accredited schools*, given the variability of educational and geographic circumstances and the improbability that the discriminations made by accrediting commissions for other purposes will precisely match those needed to meet the goals of a governmental program, particularly at the margins of acceptable educational and business practice.

Exclusive reliance on accreditation to determine eligibility is unfair to unaccredited schools and programs and destructive of whatever voluntarism and quality standards remain in accrediting. It can distort accrediting judgments themselves, thereby defeating the purpose for which eligibility was first tied to accreditation. ("I asked [accrediting staff], 'Did the fact of eligibility deter you from accrediting decisions you otherwise would have taken?' The answer was, unquestionably, 'Yes,' in many cases," Harold Seidman tells us and we believe he is right.) It binds accrediting agencies ever tighter to the government wheel.

Some leading accrediting figures have come to the same conclusion. Thus, in April 1966, the National Commission on Accrediting, at its annual meeting, unanimously adopted the following resolution

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which included a significant recommendation as to how the eligibility of unaccredited institutions might be determined:

> No one can doubt that Federal aid for education will continue to expand. As such expansion occurs the Federal programs will encompass new fields in which accreditation does not now exist. In order that the voluntary accrediting mechanism may continue to serve society and, more particularly, higher education and the Federal agencies, and in order that the possibility of Federal involvement in accrediting may be held to an absolute minimum, the National Commission on Accrediting recommends that the Federal agencies make a distinction between accreditation and eligibility as a basis for funding Federal programs and projects.
>
> Accreditation would, under this distinction, reflect the quality of an institution or a program which has already been established. Accreditation would constitute one basis for determining eligibility. Eligibility, on the other hand, could be established for institutions and programs not formally accredited.
>
> In an instance involving eligibility of institutions and programs lacking accreditation, the National Commission on Accrediting should explore with representatives of the Federal Government the establishment of an advisory role for the NCA through *ad hoc* committees appointed or nominated by the executive officers of the NCA. These committees would help determine eligibility based upon consideration of the resources and promise of institutions for carrying out the intended program.[2]

Four months later, as chairman of an *ad hoc* advisory committee to the Commissioner of Education, NCA director Frank Dickey had a chance to implement this recommendation. But instead of making individual determinations of the eligibility of unaccredited schools as NCA had recommended, the committee chose to make blanket eligibility determinations for classes of schools approved by designated state agencies. We do not know the full story but imagine that a governmental committee found it impolitic to do what a private committee could readily have done. Block approval was also far quicker and cheaper than individual school approval, and speed was then thought to be important.

In a 1972 report, William Selden argued that the government should "institute a policy of gradual divorcement from [accreditation]

...as a [necessary] requirement for funding and...provide alternate ways by which non-accredited institutions or programs of study could be considered eligible....A change in this direction would deemphasize the importance of accreditation and incidentally reduce some of the tensions that relate to this activity."[3] In a subsequent communication, Selden suggested that the government could continue to rely on institutional or program accreditation as one means of eligibility but could also provide unaccredited institutions an opportunity for eligibility, perhaps by a special inspection arranged by federal officials.[4]

We agree with the basic points that 1. accreditation should continue to be used for eligibility purposes and 2. unaccredited institutions should also have an opportunity to gain eligibility. However, we believe that the alternative means of eligibility for unaccredited institutions should be provided not by federal officials but a new private body created specially for the purpose.

Accreditation should be retained as a means of eligibility in widespread federal programs for two main reasons: to retain a private counterweight to the growing power of federal and state bureaucracies in educational affairs; and to maintain the principle of quality distinctions which only private agencies can draw. We believe that educational standards are important; that better, stricter, and more carefully delineated, not fewer and laxer, standards are needed. We would criticize accrediting agencies not, as did the Newman committee, for maintaining standards but rather for relaxing them. We share the committee's concern about the "homogenization" of education. The committee attributes it to the power of the regionals; we, to their weakness, democratization, and levelling down. The regionals state that they are no longer standardizing bodies. Unfortunately, that appears to be true.

We reject the alternatives of relying for eligibility determinations upon state agencies, a new government commission, or OE staff because we believe that all three would, over a period of years, be unable to maintain quality distinctions and would eventually render eligible almost all postsecondary schools. We are also sceptical about lodging complete eligibility responsibility in a single national body, be it a new government or private commission or OE staff, because it is important to maintain not only several avenues of eligibility but several organizations to administer them. In multiplicity there is freedom.

As shown in our survey, a good many professional accrediting agencies are not greatly troubled about independent eligibility devices because they are not deeply involved in the present system of institutional eligibility; their power rests on enough other factors--not just licensing laws, but all the historical, economic, social, and intellectual forces that have promoted the specialization and professionalization of labor--to be sustained under most conceivable eligibility systems. But the regionals were of two minds and the proprietary school agencies of one mind in opposing any alternative means of eligibility, because they fear it poses a threat to their power. We do not think it must, but it may. The only way to find out is to try, and that is what we propose. The only way to cut the Gordian knot that binds accrediting agencies to the government, to their gain and peril, is to cut it.

A Proposed Experiment

We propose that a private committee be established and funded for a five year experimental period. Let us call it a Committee for Identifying Useful Postsecondary Schools. A committee, not a commission, for modesty; a private committee, to emphasize its political independence and freedom to make quality judgments; a five year trial, to permit its dissolution or redirection at that time. An evaluation should be undertaken after 42 months which would foreshadow the future course.

The committee might be set up by private incorporation, as was RAND prior to its formative contract with the Air Force; or, alternatively, as an independent adjunct to a respected nonprofit organization such as the Academy for Educational Development, the Educational Testing Service, an educational research center, or, conceivably, though we have serious reservations about this course, the new Council on Postsecondary Accreditation. We think of the committee as a board of eleven or thirteen persons including, but not dominated by, representatives of the accrediting community, and that "not dominated by" is why we prefer another institutional setting to the Council on Postsecondary Accreditation. Committee members should be informed about academic and vocational education and federal and state education agencies; alert to institutional, professional, student, and employer interests; and leavened with educational research experience.

The committee would be funded by OE and, hopefully, other portions of HEW. It would be free to accept contracts and grants from other government agencies and private foundations, as well as fees from applicant schools. It is difficult to estimate the committee's budget without foreknowledge of the scope of its activity which might swell and contract rapidly should the commissioner withdraw recognition from an important accrediting agency. However, a staff of at least six professional and four secretarial persons, as well as the services of committee members and consultants, could be supported by a $500,000 budget; around half might derive from fees and half from government funds.

At the request of the Commissioner of Education or other responsible officials, the committee would designate selected unaccredited postsecondary schools and/or programs as "useful" for a specified public purpose. Together with other requirements administered directly by the government, the designation would provide prima facie qualification for eligibility in a given federal program. Its principal initial use would probably be to render eligible for insured student loans selected proprietary schools and hospital programs which are either unaccredited or accredited by unrecognized agencies.

The means of arriving at the "useful" designation would be worked out together with program officials and the staff of related accrediting, educational, and professional agencies, though final responsibility would rest with the committee. The designation, reserved for schools and programs not accredited by recognized agencies, would be reviewed and renewed annually, after consultation with school, state, accrediting, and federal program officials. A periodic site visit and fee to cover the expenses might but need not be required. The committee should be flexible and, instead of following the same formal routine for all schools, attempt to develop alternative procedures proportionate to the size of the school and the difficulty of the decision. The annual renewal would permit the ready withdrawal of "useful" status under a number of designated conditions, including the failure of the school to observe certain state or federal regulations or FTC or court orders.

Only schools and programs applying voluntarily would be examined; those accredited by recognized agencies would not be eligible and the committee might also decline to examine institutions eligible by reason of state approval or the three-letter rule. A condition of application would be that the application, and the resultant action, be a matter of public record. The entire procedure may resemble a stripped-down type of accreditation geared to federal program needs and lacking additional requirements imposed--or the additional status conferred--by accreditation. It would, essentially, implement the recommendation advanced by NCA in 1966 and by Selden in 1972.

Would "useful" schools and programs come to compete with "accredited" ones? We do not think that should or would happen in most fields but it might happen in some, if many accredited schools or programs dropped their accreditation in order to apply. If so, it would happen as a result of their free choice of one private agency over another. Any accrediting agency which cannot hold the voluntary allegiance of its members without a monopolistic control over their access to federal funds does not, we believe, deserve to survive. Better that it expire and be replaced by a new agency which can earn such allegiance.

It is conceivable, if unlikely, that, engaging in destructive competition, the committee and an accrediting agency might drive standards into the ground, or down to the level of state licensing requirements. However, at that point, either the committee or the accrediting agency would, in effect, put itself out of business, for it would then serve no different purpose than state regulatory agencies. The same thing would happen if the committee designated as "useful" 95 percent of the unaccredited schools in any state. The committee is thus experimental not merely because of the many difficulties it must overcome but because, over a period of ten or fifteen years, it might put itself out of business and be replaced by state agencies.

The chief problems the committee will face will be to determine the degree of cooperation it can obtain from federal, state, accrediting, and other educational agencies in exchanging information about applicant institutions; to determine the kinds of schools from which it will entertain applications and the general standards and quality levels it will observe; and to define the precise scope of its institutional and/or program designations. The committee can expect applications from schools whose accreditation has been withdrawn; from unaccredited hospital schools, sectarian colleges, schools of chiropractic and acupuncture; from schools (now ineligible for accreditation by NATTS and NHSC) which coach students for civil service and licensing examinations; and from many schools and programs accredited by agencies not recognized for the purpose (though perhaps for another) by the commissioner.

Two experienced observers suggest that the committee's problems will be so great that "there will be a paucity of volunteers to serve on this equity supra-body who would be ready to stand in judgment and personally be responsible for the decisions with regard to institutions which have either been denied accreditation or have been stripped of accreditation."[5] These difficulties are real and must be faced; there can be no disguising that fact, and we repeat our earlier statement: no eligibility system is without serious defects. But accrediting and state approving agencies live with identical problems and so can the committee.

The committee may be deluged at the outset. Firm policies, careful priorities, a tight budget, and a slow start would be wise. Fair and informed decisions will require candid information from applicant schools and from federal, state, and accrediting agencies. The committee will remain of value only so long as its decisions are accepted as fair and its designations are restricted to meritorious unaccredited schools and programs. A sufficient number of rejections should quickly reduce any excessive demand for its services.

Summarizing: We recommend the establishment of a private Committee for Identifying Useful Postsecondary Schools to give selected unaccredited schools and programs an opportunity to become eligible for federal programs. Since this opportunity would also be open to schools accredited by agencies dropped from the commissioner's list, it could help to provide credibility to the commissioner's recognition process. However, in our view the main purpose of the committee is to break the monopoly of accrediting agencies over eligibility, enabling the commissioner to relax, not to tighten, his regulation of recognized agencies.

Such regulatory power as OE may thereby relinquish will be all to the good. Much of it has been nominal. Some has been of questionable legality; one authority, Matthew Finkin, calls it "in a rather fundamental sense essentially lawless" (see Chapter D). Some has posed a clear danger of politically-motivated interference with agency standards and decision. It has diverted OE from direct action to protect students and to strengthen its own eligibility regulations to largely ineffective efforts to accomplish these goals through the intermediation of agencies which have little interest or ability to do anything serious about them.

The shift from a primary emphasis on accreditation to a primary concern with eligibility should be marked by the removal from the commissioner's list of agencies whose recognition serves no eligibility *purpose, and confining the recognition of professional agencies to specified programs or free-standing schools for which accreditation serves an eligibility purpose*.

OE's basic stance of relying heavily on accrediting agencies with monopolistic powers and subjecting them to increasing scrutiny should be changed to a policy of relying less heavily on the agencies, of recognizing more than one agency in a given area or field, and of specifying additional conditions with which all institutions must comply to acquire and maintain eligibility. Initially, these conditions can be defined by the regulations to be issued for institutional participation in the guaranteed loan program.[6] On the whole, these are good regulations and long overdue, though it remains to be seen how they may be watered down following public hearings and private pressures. However, like the V.A. regulations, they may permit accredited schools to refund less tuition than unaccredited schools. *All schools, accredited or not, should be required to observe the same eligibility regulations*.

As OE policy shifts from heavy reliance on accreditation to a more balanced system in which accreditation is one of several methods employed for eligibility and student protection, *most of the functions of reviewing accrediting agencies and recommending their inclusion on the commissioner's list should be transferred to the new Council on Postsecondary Accreditation*. *The AIES advisory committee should serve as a final appellate body on recognition issues but staff and committee should cease their promotion of accreditation, which conflicts with their regulatory and adjudicatory responsibilities; the promotion of accrediting by conferences and research grants should become the responsibility of another section of HEW*. Devoting little time to the recognition process, the advisory committee and staff should then concentrate on alternative avenues of eligibility, additional requirements for eligibility and the removal of eligibility, and measures of student protection. The changed emphasis might be reflected in a changed name such as the Federal Program Eligibility Staff.

Though we have argued against giving state agencies the power to determine eligibility for all postsecondary schools, they can play a significant role in the enforcement of additional eligibility regulations such as those which OE has proposed for the guaranteed student loan program. A serious deficiency of accreditation is the long cycle--five, ten years or more--between accreditation visits. State education and regulatory bodies normally operate on an annual cycle in planning and budgeting for public institutions, in renewing private school licenses, and in conducting any necessary inspections. They can be most helpful in monitoring compliance with OE regulations and alerting Washington and regional HEW staff to developments which might jeopardize a school's eligibility. With the cooperation of the Education Commission of the States, OE should institute a program, sweetened with grants, to improve the training of state education staff, to gain their fuller cooperation in enforcing federal eligibility conditions, and to promote a fuller and prompter exchange of information about postsecondary schools.

Protecting and Informing Students

We will deal mainly with the provision of better information about postsecondary schools and programs, because we have examined the subject more closely. However, let us first, more briefly, consider the question of protecting students from institutional malpractices. All three matters--institutional eligibility, student protection, and institutional information--are closely interrelated.

Measures of Student Protection

Measures to ensure better student or "consumer" protection in postsecondary education have been receiving increased attention recently from the press, the Congress, federal and state officials, educational associations, consumer groups, and, almost last, students. Student groups have devoted surprisingly little attention to the matter and it is hard to find informed student representatives to participate in discussions of the subject. Indeed, one of the recommendations of the pioneering 1974 Denver conference on Consumer Protection in Postsecondary Education was that "all postsecondary educational institutions should consider offering some educational training and experiences which would familiarize students with their consumer citizen roles."[7]

"Protection" often reduces to regulation--too often, in all probability. Both laws and regulations are needed, but their effectiveness depends on their restraint and reasonableness. Few people will read all the provisions of the Internal Revenue Code, insurance policies, or even the detailed regulations posted in public parks, which is just as well since they are not all applicable or internally consistent.

Proprietary schools are now subject to separate state licensure rules, veterans approving agency rules, accrediting agency rules, new rules proposed by the Federal Trade Commission and the Office of Education, and additional rules of other agencies. The most leisurely and law-abiding man, let alone a harrassed businessman, would have difficulty obeying so many instructions, often conflicting and inapplicable to his situation. An attempt should be made by the Federal Interagency Committee on Education and the Education Commission of the States (ECS) to reconcile and simplify the varied rules of different federal and state agencies. The model state legislation proposed by an ECS committee represented a useful start;[8] the effort to develop comparable policies should now be extended to federal regulations. Full agreement is unlikely and even undesirable since different agencies have different interests and authority, and complete uniformity could weaken the strength of separate regulations directed at special educational sectors. But improvement is possible and a clarification of the differences in existing regulations and the available policy alternatives would itself be fruitful.

There is no end to the regulations that can be devised and yet, in the end, all will fail if educators, proprietors, and students wish to evade them and federal and state officials cannot, or do not wish to, enforce them. The "consumer protection" movement owes much to the idea that the relation between a student and a school is contractual; that a school has a legal responsibility to give a student an honest education in exchange for his tuition. That principle is more explicable in training than in education. Carried too far, it poses serious dangers even where it is applicable, for a contractual relationship can conflict with a professional and moral one. The rise of contract, social historians observe, has gone together with the decline of community and a sense of shared values and obligations: the principle of contract, in short, is in some measure responsible for precisely the kind of problems--the cheating, shortchanging, deceit and exploitation--which many reformers hope to end by extending the principle to more and more aspects of education. They could not be wronger.

The Denver conference recommended the following "minimal safeguards" for every student:

That, by law or regulation, the states provide for equitable tuition refund policies, licensing and bonding of school agents, specifications for contractual relationships, and minimal standards of advertising and recruiting.

That HEW and the V.A. "should consider withdrawing funds from those schools that fail to comply with these minimal safeguards."

That a federal tuition insurance corporation be established to protect students and their records when postsecondary schools close.

We support and, if anything, would strengthen these and most other recommendations of the Denver conference. The last recommendation, in particular, is long overdue. At present, the guaranteed student loan program protects the banks and lending institutions but not student borrowers. Loan insurance should be provided to protect students in event of school closure, bankruptcy or fraud.

As instruments of owners, presidents, administrators, or the established professions, accrediting agencies are unlikely places to find Nader-like defenders of the student interest. The attempt of some OE officials to plant consumer protection in the accrediting process is as promising as a crop of Arctic coconuts. The interests of students are best defined and served by students themselves. A vigorous student arm of an independent consumer protection agency would provide a useful counterweight to the heavy influence of educational administrators on government policy.

The regulation and self-regulation of degree-granting institutions lags behind that of proprietary schools, despite abuses in advertising and recruiting (see Chapter G), some tolerance of cheating, and a decline in standards of admission and grading. A shortfall of students, jeopardizing the jobs of many faculty and staff, has led increasing numbers of colleges to adopt aggressive merchandizing methods utterly inappropriate for public and nonprofit institutions and to water their educational stock in ways that demean the character and damage the integrity of higher education. The average college is far less concerned with tuition refunds and job placement than the average proprietary school. The formulation of codes of conduct in these areas by higher educational associations should receive high priority and publicity--as should breaches of the codes.

If nothing is done, the need for state and federal regulations is likely to grow. The Carnegie Commission on Higher Education has observed that many state statutes impose upon proprietary schools standards of fiscal responsibility and honesty in advertising and recruiting that "may well be more stringent than anything required of colleges and universities."[9] It lies within the power of any state legislature and many state boards of higher education to correct this situation. The chancellor of the Ohio board recently sent college presidents in the state a copy of suggested advertising guidelines which NATTS director William Goddard had prepared for the Denver conference.[10] All college presidents should receive a copy.[11] If such a gentle hint is not heeded (and evidently few Ohio presidents responded favorably or at all), less gentle measures may be needed. Some have suggested the extension to nonprofit institutions of FTC regulatory authority over false and misleading advertising. A proposed FTC rule would require proprietary schools to give applicants basic information about the school and its tuition refund policy. This should also be required of higher educational institutions as a condition of their eligibility for insured student loans, veterans benefits and other federal aid.

Providing Better Institutional Information

> "...the cause of improved education would be enormously aided if some impartial yet fearless agency could issue vivid and candid reports on colleges and schools of the sort Consumers Union publishes on commodities. It is astonishing, when one thinks about it, that the FTC polices advertising for hard goods where often the worst that can happen is that one can be cheated of money, and that various consumer-research organizations provide reliable data on vacuum cleaners, driers, radios, and canned goods, while no similar agency polices school and college catalogues and brochures and does research on the qualitative aspects of education from the student's point of view. If one loses a few dollars through misleading advertising, one can make others, but if one loses four years through misleading schooling, one cannot make them up....
>
> "To be sure, there are the accrediting agencies....They serve, or so it can be argued, to raise the floor by requiring certain minima.... These minima are not to be sneered at--though, like other observers of the educational scene, I have visited nonaccredited colleges that are far superior to some accredited ones (some of the latter indeed produce graduates who are barely literate)....
>
> "...college criticism is enormously more difficult than commodity criticism....There are a thousand accredited colleges, some of them changing so fast as to be more like perishables than hard goods. They have to be examined on the spot, not in a central laboratory, and where is one to find the examiners who can get hold of the relevant information, protect their sources, treat matters with a broad comparative perspective and develop confidence in the good faith and good sense of the agency for which they work?....
>
> "I have no good answer...to someone who says that colleges are already too much caught up in our competitive patterns of culture... and that consumer research...would only strengthen the tendency... towards isomorphism....Argument concerning programs would then, even more than at present, be couched in public-relations terms, rather than in terms of somebody's conviction as to what is a good education.... Precisely such misgivings as to the application of false standards of judgment, operate to prevent hospitals from publishing widely their

> morbidity rates, law firms their batting averages of cases won and lost..., or colleges the median income, numbers in Who's Who, or divorce rates of their graduates. If there is any solution to this dilemma of applying competitive lay standards to 'businesses' run not for profit, it must be in the direction of substituting a somewhat more open and objective inter-academic competition for the covert competition that now goes on. For open competition is surely better than the present intended or chaotic ignorance as to what is perhaps the most important decision that families make...because of the fear that better information more equally distributed will be disruptive of the control colleges now have over certain 'territories' by custom, grapevine, and high-school guidance routines." (David Riesman, "Preface to the Anchor Edition," Constraint and Variety in American Education, Doubleday Anchor Books, Garden City, New York, 1958, quoted by permission of the author and publisher.)

> In a personal communication, Riesman adds the following caveat: "I do not want to attack the accrediting agencies in the present climate in a blanket way. On the contrary, in many cases with which I am familiar, they lean over backward not to be thought stuffy or pedantic. I have seen glowing reports written about experimental colleges which have been given accreditation which might not have been given accreditation when I first wrote 'The Academic Procession' twenty years ago."[12] We agree with that comment.

Despite all of the talk about "accountability," critical decisions in the postsecondary arena are made in confidence and little is disclosed about them. Most accrediting agencies disclose little more than their formal standards and the names of accredited institutions--not the names of those which were denied accreditation, disaccredited, put on probation, found in noncompliance with designated standards, or which have never applied for accreditation. Most postsecondary schools, like other human institutions, do not voluntarily disclose information that might put them in a bad light or discourage prospective students; their catalogues, advertisements, and informational materials do not present a balanced picture but, if not half-truths and lies, selected, self-serving truths. The Office of Education publishes little more than its criteria for recognition and the names of recognized accrediting agencies--not those denied recognition, recognized for reduced terms, or the criteria with which they have not complied.

If accrediting agencies and OE really accounted to the public, they would voluntarily publish more information of this sort. However, if they did so, they might lose some of the cooperation that enabled them to get the information in the first place. But, then, they should talk less about accounting to the public and more about a modest kind of accounting that is held in confidence. That was what the chairman of the Middle States commission told all Middle States presidents at the height of the St. John's crisis: Trust us. "We... can only hope you will...accept as valid actions that you manifestly cannot understand and that we regretfully cannot...explain" (see Appendix I). That is private, not public, accounting.

Certainly, when information is gained by a pledge of confidence, the pledge must be honored. But much useful information can be gained without such a pledge and much which is in the public domain remains unused because it is not compiled from scattered sources or published in a convenient form. There is a strange disposition to disparage and disregard such information and even to oppose its publication, while initiating major new research projects aspiring to transmute the quality of institutional information. But the problems of bias and selection, of confidentiality and disclosure, of reliability and validity, and of presenting a balanced, not promotional, picture while yet publishing (and being able to publish recurrently) information that may damage a school's reputation--must be faced and resolved with new as well as existing information. A series of trials should be undertaken to determine the kinds of information that can and cannot, should and should not regularly be collected and/or issued about all post-secondary institutions and special groups and samples. The goal should be to improve the quality, comprehensiveness, and timeliness, and to define the nature, of the institutional information available to the public and/or shared by state, federal, and private regulatory bodies. The following are examples of what we have in mind:

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1. The withdrawal of accreditation is commonly announced in ephemeral notices that are not, like the lists of accredited schools, compiled and distributed for ready public reference. The agencies accrediting law and nursing schools publish lists of unaccredited as well as accredited programs (but do not separately identify those which have not applied, have been denied, have been disaccredited, or have voluntarily withdrawn). Probationary status is usually confidential. The year when accredited schools were initially and last accredited is reported for the regionals (North Central also identifies any period during which they were unaccredited) but not for other accredited schools and programs listed in OE directories. The prior status of accredited schools during the preceeding five years, and more precise identification of their current status should be reported by OE, and the provision of this information should be made a condition of recognition by the commissioner. Accrediting agency staff state that to identify derelict members is unfair to those who are mending their ways and may expose the agencies to suit. However, the suppression of this information is unfair to students and the agencies can be protected from suit by legislation such as Senator Charles Percy has introduced requiring disclosure as a condition of employing accreditation for eligibility purposes.[13]

A less satisfactory alternative which would, nonetheless, be preferable to present practice, would be to include in OE directories a prominent notice warning readers of the omission of this information. *The misleading promotional description of accreditation in these directories* ("One of the best available methods of ascertaining the...quality of an institution...is to examine its accreditation....")[14] *should be replaced by a more realistic and balanced account of its limitations as well as advantages*.

2. *OE should publish or preferably, sponsor more comprehensive catalogues, lists, and statistics of ineligible as well as eligible schools*. Unaccountably, it did not publish--i.e., it effectively suppressed, by excluding from its 1973 *Directory of Postsecondary Schools with Occupational Programs*--the names and other information about some 3,500 postsecondary schools not eligible for veterans benefits or insured student loans (see Chapter F). We assume that this was done to avoid lending even the status of inclusion in a government directory to ineligible schools, some of which might abuse it. But some eligible schools also abuse their status. The episode is important in indicating the limited information about postsecondary institutions which the public can expect from a government agency.

We do not now have available *lists of all non-degree postsecondary schools and all unaccredited degree-granting institutions*. These *should be prepared annually by each state, in a comparable format, and compiled by the Education Commission of the States for public use*. More and more government and private agencies are foresaking "higher" for "postsecondary" educational policies, with little or no knowledge of the size and nature of the total postsecondary universe. This preposterous situation should be remedied.

3. Information about the number of students enrolled in named postsecondary schools and the number receiving aid from various federal programs should be maintained and published by the Federal Interagency Committee on Education in the same manner as the Federal Council for Science and Technology maintained information about the volume of federal research, development, and education funds at individual universities and colleges, and published annual reports on the volume at leading institutions.

4. In Ohio, the state education department distributed widely an informative compendium on most licensed proprietary schools.[15] The schools were thus given free publicity--and an incentive for reasonable accuracy, as their replies could be read by competitors, high-school counsellors, their own graduates, and informed local citizens.

5. Information about changes in the eligibility of postsecondary schools for federal and state programs, FTC cease and desist orders, restrictions imposed by the courts or state officials, and accrediting agency actions should be more promptly and widely exchanged. At present, the Office of Education is not systematically informed about the actions of state licensing or veterans approving agencies, and one accrediting agency may not know how another has recently acted. An information exchange among state and federal agencies should be established, operated

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perhaps by the Education Commission of the States and the Federal Interagency Committee on Education. A comparable exchange among private accrediting agencies should be initiated by the Council on Postsecondary Accreditation.

This recommendation has two purposes: a) to create an early warning system to alert regulatory bodies to emerging problems and b) to provide central public and private repositories where regulatory and judicial actions can be periodically compiled and published.

Some people contend that to publish such information would amount to the issuance of a blacklist. It might be misinterpreted and does not reflect extenuating circumstances or subsequent changes; every man and institution has a right to have the past forgotten and to make a fresh start. No doubt a good lawyer should first be consulted and this is not the sort of publication likely to be sponsored by the government. But the larger question is: Can any independent, critical, and possibly damaging institutional information be published? Unless that question can be answered "yes," we might as well give up the effort to issue balanced and uncensored institutional accounts and confine ourselves to the bleached entries in standard reference works and the pablum of catalogues. To inform students adequately, some critical and possibly damaging institutional information must be published, drawn from non-institutional sources. Unfortunately, once critical information is published, the editors can expect much suspicion and little cooperation from some institutions.

What kinds of information would most help students to choose a school wisely? There has been enough talk about "output measures" and "disclosure statements" and not enough specification of precisely what should be measured and disclosed. The Federal Interagency Committee on Education should take the lead in encouraging the issuance of informative and balanced reports on named schools designed to assist student choice.

A review should first be made of major information sources to identify the schools for which designated kinds of publishable information are now available, the methods of obtaining it, and their relative timeliness, accuracy, and bias. A parallel review should identify the schools and information included in existing handbooks, the frequency and timeliness of publication, the finances (self-supporting or subsidized?), and the size and nature of the audience. Thereafter, an economic program should be outlined to fill major gaps in the public information about postsecondary schools without duplicating existing handbooks or imposing burdensome forms on thousands of schools.

Innocent material can be issued directly by government agencies but experimental, evaluative, or contentious reports should be financed by contracts and grants by, among others, the Office of Education, Fund for the Improvement of Postsecondary Education, Health Resources Administration, Department of Labor, Veterans Administration, and the Social Security Administration. The most contentious reports should be financed by private sources, including foundations and commercial publishers.

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Contractors might include associations of admissions and financial aid officers, educational testing and research organizations, institutional and professional associations, student and consumer groups, and individual scholars. Each report should concentrate on selected types of schools. Diversity is vital because each sponsor and contractor has different interests and knowledge of special value to different kinds of students. A single, uniform description or assessment of all post-secondary schools would be ponderous, extravagantly expensive, impractical, and largely useless. Cost and format should be proportionate to the nature of the prospective audience. A multilithed paper can satisfy the local interest in many small schools and community colleges, whereas a national audience may be interested in many correspondence schools, four year colleges, and unique technical schools.

Handbooks such as the American Council on Education's American Universities and Colleges, The New York Times Guide to College Selection, Lovejoy's College Guide and the Middle States Association's Basic Information about Higher Education Institutions are restricted to entries on the number of students and faculty, average SAT scores, cost of tuition and board, departmental and professional programs and degrees offered, budget and library facilities, and the like. The refreshing selection of facts, irreverent style, and blunt opinions in The Underground Guide to the College of Your Choice[16] may be illustrated by the following extracts:

> Academic Bullshit: No student-initiated courses for credit ....Some students started a health-food store and got credit...The [faculty] turnover is great as all the good people find it hard to take Missoula for too long....The faculty is pretty far removed from the students except in the Humanities....The most popular professors are....
>
> Bread: Expensive clothes aren't necessary and most students have bicycles rather than cars....It's impossible to scrounge....Expensive threads are a must....Realtors are real ___ers on the South Side....
>
> Brothers and Sisters: Ratio cats: chicks--1:1....Most students are straight middle-class job seekers....It's a diploma mill....a large impersonal factory....lukewarm hip....The hard-core preppies are being rooted out....People don't care about politics....fairly active politically....politically aware but not revolutionary....No demonstrations so far....Very light drug scene. $20 a lid and few takers. No acid....Chicks either have no bra or the no-bra bra.... Dating transcends color....you can't even get any privacy to neck.... "Smith to bed, Holyoke to wed."

Survival: ....no BC pills or abortion referrals....No pets ....in New York the only thing free is the air. (Cough!)....There's a Planned Parenthood in Columbus....Abortion referrals from Women's Liberation....Pets run wild on the Oval....

Even these brief extracts indicate the vital importance of privately sponsored work, the narrow scope of official data, and the restrictive effects of "objectivity" on the information generated by established educational and research agencies. Assuredly, there are important gaps in the objective information needed about many schools. But ultimately the evaluation of a school reduces to a judgment of its value and (a somewhat different matter) attractiveness for given kinds of students. That judgment may be based on one student's impressions, like many reports in The Underground Guide, or the mature knowledge and perspective of Riesman's ideal examiners; but it remains a subjective judgment about which different observers will disagree. Students would be better served by candid institutional judgments, based upon clearly stated educational values, than by additional mountains of sterile fact.

Having noted the limitations of dehydrated facts, we will conclude this section with four suggestions for additional facts and judgments that are urgently needed:

1. Our knowledge of the proprietary universe is largely confined to its accredited fraction, whereas intelligent public policy can only be based on a more accurate knowledge of the whole. In all likelihood, some portions are horrendous: an accurate description will confirm the wisdom of their exclusion from government programs. Many avocational schools are useful, or at least harmless, though rightly excluded from vocational programs. Some schools approved for veterans

and state rehabilitation programs furnish useful training to selected students while some accredited correspondence and vocational schools provide poor training for most students. Comparative studies of ineligible and eligible, unaccredited and accredited schools, are badly needed to inform public policy and student choice.

2. Information on student dropout rates and graduates' performance on licensing examinations, job placement, and salaries would be useful especially for vocational and professional schools. The reports and estimates of school administrators should be supplemented and checked by data from employment services, civil service records, licensing bodies, employers, unions, unemployment offices, and welfare agencies.

3. A study should be conducted to estimate the number, proportion, and kinds of degree-granting and non-degree granting schools which engage in specified malpractices such as deceptive advertising, recruiting, and inequitable refunds.

4. Named colleges, professional, vocational, and correspondence schools in areas of greatest student interest should be rated and classified by objective indices and subjective judgments. Examples of such ratings are the works of Cartter, Roose and Andersen, Margulies-Blau, and Knapp and Goodrich.[17]

This recommendation has produced a horrendous outcry to the effect that all schools are equal, to classify them is unAmerican, and Cartter-type ratings are unfair, outdated, and reflect the built-in biases of their methods and judges, who tend to come from and to favor elite research institutions. We agree with the latter criticism but not with the conclusion that these studies should not be conducted.

All schools are not equal and, even if they are, all people do not really think so. The proper response to a Cartter rating is to criticize its procedures and suppositions and to conduct alternative ratings by different methods and judges in which state colleges may rank high and research institutions low. To refuse to classify schools is, in effect, to suppress information and opinion and to becloud student choice.

The aspirations and difficulties of college criticism which Riesman noted remain unchanged; the number of colleges, semi-colleges, and pseudo colleges have much increased; and to their number have been added large correspondence schools, proprietary school chains, and swarms of tiny "postsecondary" schools which now stand beside traditional colleges, equally eligible for student aid.

If it is difficult to evaluate colleges, it is futile to evaluate every school eligible for one or another public program. Even if it were possible and worth the cost, many would be extinct before the reports appeared. For the third time, we must repeat: no really satisfactory solution exists to the fearsome problems of judging the quality and eligibility of over 13,000 postsecondary schools.

We can only do our best, selecting important and representative schools for evaluation and study, listing and counting and classifying those we cannot carefully evaluate, and requiring special information and sureties from those receiving public funds.

Notes

1. Some participants at the conference "believed that institutions, or programs...might well be designated as satisfactory, good, very good, and distinguished...." The conference recommended that "Accrediting agencies should be invited to consider the possibility of establishing and publishing, or citing, degrees or gradations of institutional excellence within appropriate categories of institutions" (Dewey B. Stuit, ed., Accrediting of Colleges and Universities in the Coming Decade," Report of Conference Sponsored by the National Commission on Accrediting, June 29-July 1, 1959, pp. 8, 30).

2. "Statement of Concern Relative to 'Accreditation' by Federal Agencies," National Commission on Accrediting Reports, April 1966, pp. 1-2.

3. William K. Selden, "Memorandum to Members of SASHEP Study Commission," December 14, 1972, p.6.

4. December 29, 1972 letter to Harold Orlans.

5. Richard Fulton and Dana Hart of the Association of Independent Colleges and Schools, in testimony before the House Special Subcommittee on Education Chaired by Congressman James O'Hara, July 19, 1974.

6. "Guaranteed Student Loan Program. Notice of Proposed Rule Making," Federal Register, October 17, 1974, Part II, pp. 37154-61.

7. Consumer Protection in Postsecondary Education, Conference Report and Recommendations, Education Commission of the States, Denver, June 1974, p. 3.

8. Model State Legislation, Report of the Task Force on Model State Legislation for Approval of Postsecondary Educational Institutions and Authorization to Grant Degrees, Education Commission of the States, Denver, June 1973.

9. Toward a Learning Society, Carnegie Commission on Higher Education, October 1973, McGraw-Hill, New York, p. 87.

10. James Norton, Chancellor of the Ohio Board of Regents, transmitted the guidelines in April 1974, noting: "On occasion, I have been chided about efforts to demand higher standards in consumer protection for proprietary schools than are required for non-profit institutions.

"With our joint efforts to increase the numbers of persons going into higher education, and particular efforts by each school to increase enrollments, there is a new potential for misleading advertising--or for a competitiveness that depreciates the value of another type of higher education. You may want those responsible at your school to see the advertising guidelines recently distributed for proprietary schools for comparison with their paractices."

11. Frank Albanese, Executive Secretary of the Ohio State Board of School and College Registration, suggested to the Education Commission of the States that it consider distributing the guidelines to all colleges and universities. We endorse the idea but would prefer to see the distribution made by a private association such as the American Council on Education.

12. March 13, 1974 letter to Harold Orlans.

13. "The Secretary [of HEW] shall publish annually in the Federal Register a list showing....The institutions which have lost approval or accreditation and those whose applications for approval or accreditation were not accepted" (Congressional Record, daily edition, September 17, 1974, p. S 16741.

14. Higher Education, Education Directory 1973-74, Office of Education, 1974, p. viii.

15. Ohio Higher Education Notebook, Volume II, a listing of licensed private post high school educational institutions in Ohio and in those states which solicit students from Ohio, State Department of Education, Columbus, January 1973.

16. Susan Berman, The Underground Guide to the College of Your Choice, New American Library, New York, 1971.

17. See Allan M. Cartter, An Assessment of Quality in Graduate Education and Kenneth D. Roose and Charles J. Andersen, A Rating of Graduate Programs, American Council on Education, Washington, D.C., 1966 and 1970, respectively; Rebecca Margulies and Peter Blau, "The Pecking Order of the Elite: America's Leading Professional Schools," Change, November 1973, pp. 21-27; and R.H. Knapp and H.B. Goodrich, The Origins of American Scientists, University of Chicago Press, 1952.

B. The Meaning and Origins of Accrediting

Summary

One idea underlies all accrediting: the status of being accredited is good. The six regional associations of colleges and secondary schools arose in the 19th Century to help articulate the level and content of instruction in high school and college, defining a "college" and establishing agreed requirements for entrance. Accrediting itself began from 1910 to 1954 in the different regions, initially on largely quantitative or objective standards and subsequently, in the 1930s and after, on more qualitative and subjective grounds which aimed to judge whether each institution was achieving its own goals.

The growth of professional accreditation, initiated by the American Medical Association in 1905, went hand in hand with that of state licensing for professional practice. The rise in educational standards and costs, translated into rising standards for professional licensure and service, led to a rise in professional status and income. Control over the supply of practitioners and over the schools which produced them rested in the hands of the professions. The advantages of thus combining self and public service produced a proliferation of professional accrediting agencies and, in due course, conflicts between institutional presidents and professional schools over the control of educational standards and budgets.

The National Commission on Accrediting was formed by presidents in 1949 in an attempt to regain control of their institutions and to discipline, simplify, and rationalize whatever professional accrediting could not be stamped out. The presidents massed their artillery; a mighty salvo was fired; and professional accrediting emerged unscathed. The battle continues, though more time than blood has been lost.

In 1975, NCA will be replaced by a new Council on Postsecondary Accreditation, which will also absorb the Federation of Regional Accrediting Commissions of Higher Education and include representatives of agencies accrediting specialized programs, proprietary schools, and the public.

The Meaning of "Accrediting"

Accredit, accredited, accrediting, accreditation: what do the words mean?

Like many other words, they have both technical and popular meanings. Whatever else "accredited" may mean, two points stand out in both its lay and technical usage: 1. to be "accredited" is a good thing: it betokens a commendable and meritorious, not opprobrious, status; and 2. the status is assigned by some other party or parties: it is not self-assumed. The points are plain in the first of several definitions given by Webster's Third New International Dictionary: "ac-cred-it [F accréditer, fr. ad+crédit--more at credit] 1. to put (as by common consent) into a reputable or outstanding category: consider, recognize, or acclaim as rightfully possessing an uncontested status."

Insofar as accrediting is a collegial activity undertaken by a group of schools which band together in an association, the second point--that the status is independently conferred--is debatable. It is more questionable for schools initiating a new accrediting body and less questionable for new applicants to a long-established organization. Thus, the least questionable residue of meaning is that to be "accredited" is good--it seldom hurts and often helps. But, as will be seen, too much of a good thing can also be bad. The proliferation of accrediting has posed intractable problems.

One authoritative source defines accreditation as "a process of recognizing those educational institutions whose performance and integrity entitle them to the confidence of the educational community and the public."[1] Another states that it is "the recognition accorded to an institution that meets the standards or criteria established by a competent agency or association."[2] That "competent" hides half the history of accreditation, for who is to decide which accreditors are "competent" and can the "incompetent" possibly be eliminated--or even openly identified? In 1968, the U.S. Office of Education defined accrediting as "the voluntary process whereby an agency or association grants public recognition to a school, institute, college, university, or specialized program of study which meets certain established qualifications and educational standards, as determined through initial and periodic evaluations." In 1974, the "voluntary" was dropped,[3] for somewhat the same reason, one suspects, that a recent report characterized the "perception of accreditation as a private activity" as "anachronistic."[4] The use of accreditation to determine eligibility for government funds and other public benefits has lent an involuntary and public character to accrediting activities once regarded as entirely "voluntary" and "private."

A clear definition requires a clear subject, but accrediting is anything but that. Though the outcome--a list of accredited schools or programs--is the same, the means of reaching it are not. The ideal model of accrediting depicted by those who seek to standardize and professionalize the process includes:

--a voluntary application for accreditation, signifying a wish to (and, usually, the hope or belief that the applicant does) meet the accrediting agency's published standards;

--a searching self-study by the applicant institution or program, conducted in accord with general guidelines provided by the accrediting agency;

--an intensive visit of inspection by a team of volunteers dispatched by the agency; and

--a subsequent decision by the agency's accrediting commission, based upon the self-study, the team report, and any other available information, to grant, deny, or renew accreditation for a given period, signifying that the applicant does, or does not, meet the agency's standards.

However, exceptions can be noted to every feature of this model. An agency may, in effect, solicit applications;[5] the self-study can be rudimentary or nonexistent; the team visit can be perfunctory or absent; and accreditation has been bestowed for an indefinite, rather than a specified, period. Nonetheless, over the years, the organization and operation of recognized accrediting agencies appears to have become more comparable and formalized. Such formalization or bureaucratization tends to develop as the agencies grow larger and older; and it provides protection against charges of arbitrariness.

The criteria employed by the National Commission on Accrediting and especially the Office of Education for recognizing accrediting agencies have also served to force agencies into a common mold. But form can be similar while substance varies, as is apparent from the marked differences in the importance, scale, resources, public standing, influence, and sophistication of different accrediting agencies. It is of the utmost importance and the utmost difficulty to attempt to distinguish form and substance in accrediting, but only the form is manifest and subject to regulation and accounting, whereas the keenest observers can disagree about the underlying realities.

Some of the lines of technical and political cleavage in the public facade of accrediting are those which divide the governmental from the private; the institutional from the specialized or programmatic; the accrediting of vocational and nonvocational education, of large and complex or small and simple institutions, and of public, nonprofit, and for-profit institutions. As the distinction between governmental and private accrediting is basic to this inquiry, it will be discussed somewhat further here.

Private Accrediting and State "Accrediting"

Authorities on accreditation often contrast European educational systems, in which standards are set by government ministries, with the distinctive American system in which they are set by private agencies. The contrast is often drawn in terms which suggest that the European system is rigid and most decidedly unAmerican, whereas ours promotes freedom and variety. But if national standards are bad (in Europe), why are they good (in America), if set by private agencies? And if these agencies set genuine standards, how can they promote variety rather than standardization?

The Department of Agriculture's former accrediting of veterinary schools, recounted in an appendix, is an historical oddity. The constitutional omission, or conscious rejection, of federal power over education reserved that power to the states under the Tenth Amendment, and the repeated, almost ritualistic, statutory proscription of federal control "over the curriculum, program of instruction, administration, or personnel of any educational institution" has reaffirmed that fact.

Power may inevitably follow the purse, but the power of the federal purse over education must be exercised indirectly, for direct power is exercised by the states. It is the power to create and, with due process, disband; to charter or license and (within constitutional safeguards and political realities) to administer, regulate, and police schools and colleges that renders state education departments real or potential rivals of accrediting agencies. Agencies accrediting professional programs derive much of their power from state laws which base the issuance of a license to practice, or admission to a licensure examination, upon graduation from an accredited program. Many accrediting agencies work cooperatively with state education departments, each augmenting its meager resources by drawing upon the other's special information and expertise. But the power to license is the power to regulate: and that is also the substance or the appearance of accrediting.

The rivalry between state and private agencies is manifest in the insistence of many state officials on designating their licensing, approving and inspecting operations as accrediting. Thus, an Indiana education official insists on designating his work as accrediting and the state attorney general has officially advised the Maryland Department of Education that it may use the words "accreditation" and "approval" interchangeably. In 1965, twenty states used the term "accredit" to describe their activities--including the periodic inspection and listing of institutions meeting established criteria--concerned with the standards of higher educational institutions, especially those governing the education of public school teachers.[6] Hefferlin, a former staff member of the National Commission on Accrediting, insists that

> Every state practices accreditation...including publishing lists of approved programs and institutions and reevaluating them periodically--for professional programs in such fields as teacher preparation, legal education, and training in the health professions. But no commonality exists among the states in the terms they use to refer to this process--among them being accredit, approve, accept, certify, classify, license, recognize, and register.[7]

The Gould commission on nontraditional education endorsed the foregoing position.[8]

In the beginning was the Word. To accept the legitimacy of designating as "accrediting" state activity otherwise indistinguishable from that of private accrediting agencies is to open up the possibility that it might substitute for, or constitute an alternative to, that private accrediting in one or more states. The Regents of the State of New York have, in fact, been included by the Commissioner of Education on his list of "nationally recognized accrediting agencies"--but solely "for higher institutions within New York State." That mode of recognition is self-contradictory, for the Regents, like all other agencies on the commissioner's list, had first to demonstrate that their operations were "regional or national in...scope"[9]--and were then recognized only for in-state purposes. Other state bodies have been recognized by the commissioner for the approval (not "accreditation") of nurse education and of vocational schools eligible to participate in the insured student loan program (absent his recognition of a suitable accrediting agency for that purpose). The Education Amendments of 1972 directed the commissioner to "publish a list of State agencies which he determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs."

That is as close as state agencies have recently come to formal recognition of their work by the Office of Education as comparable to that of private accrediting agencies. In 1940, they came decidedly closer. The office then published a report on Collegiate Accreditation by Agencies Within States[10] which "recommended that accreditation should be a responsibility of the states, and that private organizations should be concerned primarily with the improvement of education rather than accreditation."[11] The report allowed that "accreditation...in many of the States must be characterized as little more than a farce," but concluded, "The State is obliged to assure a high quality of higher education as certainly as of elementary education....unsatisfactory conditions in higher education, which present methods of control and accreditation seem unable to correct, suggest that the State will tend in the future to assume more fully its responsibility in higher education."[12]

That forecast was right in foreseeing the strengthening of many state laws governing the establishment of postsecondary institutions and their power to award degrees, yet wrong in the assumption that this regulation would replace private accreditation. The struggle between governmental and private regulation continues unabashedly in many states; in many others, the two forces have reached a good (if, in all likelihood, impermanent) working accommodation. In whatever period one dips into the historical record, the problems, the conflicts, and many of the proposed solutions seem distressingly familiar. *Plus ça change, plus c'est la même chose*.

At least since its 1952 entry into the recognition of accrediting agencies the Office of Education has been disposed to legitimate private, not state, *accrediting*. On the one hand, it has thrust the word upon recognized private agencies such as the American Medical Association and the American Bar Association which have called their own activities "approving."[13] On the other hand, it has shunned any use of the word *accrediting* in connection with the activities of state bodies. Indeed, its criteria for the recognition of accrediting agencies are such that, strictly interpreted, it would be difficult if not impossible for a state government agency to comply with all of them.[14] In pursuing this course, the Office has reflected the views of major spokesmen for higher educational accrediting. Thus, the National Commission on Accrediting has forthrightly opposed the recognition of state bodies as accrediting agencies:

> ...agencies of the states should not be listed as nationally recognized specialized or professional accrediting agencies. Furthermore,...the term "accreditation" should be used exclusively by regional and national organizations....[T]he recognition of state bodies...would lead to the real possibility of fifty or more agencies applying differing standards to the specialized and professional programs of study offered by the colleges and universities.[15]

That is a characteristically private view, which the Office of Education has accepted (at any rate, for two decades), and it is difficult for a study of the Office's use of accreditation to adopt a radically different view or, without confusion, to introduce terminology radically different from that which is found in much of the current literature. Therefore, in this study, the various forms of the word "accrediting," *when standing alone and without quotes or additional qualification*, will be used to refer to the work of private agencies, and other words--such as "approving," "licensing," "regulating," or "inspecting"--will be used for that of state agencies. However, when the meaning is clear from the context or the use of additional clarifying terms (such as "New York state accrediting" or "accrediting by the Department of Agriculture") it may also occasionally be used to refer to similar work of government agencies.

The Origins of Accreditation

The origins of accrediting reflect a multitude of independent but intertwined forces--national, regional, and state; public and private; general and specialized; elite and plebian--which still characterize accrediting today. The causes have been manifold: state institutional and professional licensing requirements; the need of educational definitions for statistical and administrative purposes; the need to articulate the programs of secondary and higher educational institutions and to assess the standing of students transferring to domestic and foreign institutions; the wish to distinguish reputable institutions from others with which they did not want to be associated. Beyond such practical needs have lain the aspirations of educators and professional men to safeguard and advance the standing of their institutions and professions. In all accrediting three factors are constantly discernible: the special interests of accreditors; the broader interests of the public; and the technical and political problems of defining and enforcing meaningful standards.

Of the 55 accrediting agencies recognized by the Commissioner of Education in the spring of 1973, the first to be established was the New York Board of Regents, in 1784. Cast in the mold of a European ministry with licensing, regulatory, and planning authority over all educational institutions--collegiate or secondary, private or public, educational or cultural--the Regents are unique among state educational bodies in the scope of their authority.

One review cites only two other states as having initiated the "accreditation" of higher educational institutions before the 1900s--Iowa, in 1846 and Utah, in 1896. Five others followed from 1900-19, ten from 1920-39, and twelve from 1940-59.[16] Today, a dwindling number of states lacks some such operation, though a larger number lacks one that might be judged adequate to forestall or quickly stop educational chicanery and fraud. There is enough of that in New

York City alone to demonstrate the limitations of some of the best state, municipal, and private regulation.

The powerful consequences of the simple need to define a "college" can be illustrated by several early episodes. The first involved the U.S. Bureau (now, the Office) of Education which, from its formation in 1867 until the great augmentation of its budget and responsibilities by the 1958 National Defense Education Act, was primarily a statistical agency:

> In order to carry out its function of summarizing the educational activities of the country, it was necessary for the Bureau to ascertain the number of colleges, the number of teachers, the number of students, and so on. But this task was impossible without some sort of answer to the question: What is a college?
>
> In order to avoid setting up fine distinctions, the Bureau established the policy of including in its list any institution which was authorized to give degrees and which reported college students in attendance. Broad as this definition was, it served to set up a criterion on which institutions were included in or excluded from a published list of colleges. On this basis, these early lists of the U.S. Bureau may be considered the forebears or precursors of present-day accredited lists.
>
> In the first report of the Commissioner of Education in 1870, 369 collegiate institutions were listed....[17]

More will be said about these lists of institutions, which have been issued periodically throughout the history of the Office of Education, and their relation to the evolving work of state and private accrediting agencies. The lists have exerted a formative, inadequately recognized influence on our conception of the legitimate universe of higher education.

The problem of defining a college was also of critical importance to the Carnegie Foundation for the Advancement of Teaching, founded in 1905 by a $10 million gift from Andrew Carnegie. The income was used to establish a pension system for college faculty, but what was a "college"? The foundation adopted the definition of the New York Regents, which was incorporated in New York State law:

> An institution to be ranked as a college must have at least six professors giving their entire time to college and university work, a course of four full years in liberal arts and sciences, and should require for admission not less than the usual four years of academic or high-school preparation, or its equivalent, in addition to the preacademic or grammar school studies....
>
> A tax-supported institution must be in receipt of an annual income of not less than $100,000.
>
> An institution not supported by taxation...must have a productive endowment of not less than $200,000 over and above any indebtedness of the institution.... 18

That definition, plus the additional requirement that "no denominational test shall be applied in the choice of trustees, officers, or teachers, or in the admission of students," yielded a list of only 70 colleges, which, by 1917, qualified to participate in the foundation's pension plan.[19] These were predominantly well-known private colleges and universities; a quick inspection shows perhaps eleven public institutions, mainly prominent state universities. Many hoped or feared that the foundation, through its list, would assume the position of a central national accrediting agency. That did not transpire, but the foundation's definition and experience influenced the standards of the emerging regional accrediting associations.

The problem of defining institutions eligible for membership was also encountered by the regional associations of institutions that subsequently gave birth to regional accrediting commissions of higher education.[20] Indeed, the idea of a commonality of interest, inherent in any voluntary association, implies common institutional forms and purposes, which such a definition formalizes. As regional association interests broadened over the years, their definitions of institutions eligible for accreditation broadened correspondingly: from four-year liberal arts colleges and universities to include two-year colleges, teachers colleges, engineering schools, seminaries, and other technical, professional, and specialized institutions. Between the idea and the reality of what is deemed to be legitimate "higher education" falls a definition.

Regional Accreditation

The six regional associations of colleges and secondary schools which today sponsor some of the most prestigious accrediting commissions (and some which are most zealous in defending the social and educational worth of accrediting) were formed from the 1880s through the 1920s and started to accredit higher educational institutions from 1904 through 1954. The dates for each association given in Table 1 are only approximations since different authors can rightly take different events to mark the "start" of an activity.

The problems of articulating high school and college education and the need, in doing so, to agree upon minimal standards for each level of institution were of major concern to the secondary and higher institutions which joined together in the regionals. The first of these associations was launched by

> ...a small group of...secondary school administrators who were troubled by the lack of uniformity and consistency in New England colleges and particularly by the need of a more friendly relationship between them and the preparatory schools from which they drew their students. So far as admission requirements were concerned, the situation has rightly been described as one of "educational chaos." Each institution of higher learning went its proud individual way, regardless of its rivals and of the complaints of the secondary school teachers. The system was anomalous, inefficient, and, from the viewpoint of the schools, intolerable. 21

Massachusetts preparatory school headmasters induced Harvard's Charles Eliot to help them form an association of high school and college heads dedicated to "the advancement of the cause of liberal education by the promotion of interests common to both colleges and preparatory schools."[22] The movement thus started in 1885 in New England and, soon after, Pennsylvania and the North Atlantic states, spread to the Midwest and the

TABLE 1

Six Regional Associations:

Dates of Formation and Initial Accrediting

Association	Year of Initial	
	Formation	Accreditation Standards for Colleges
New England	1885	1954
Middle States	1887	1921
North Central	1895	1910
Southern	1895	1919
Northwest	1917	1921
Western	1924	1949

Sources: The dates are drawn from John F. Nevins, _A Study of the Organization and Operation of Voluntary Accrediting Agencies_, Catholic University of America Press, Washington, D.C., 1959, and Lloyd E. Blauch, ed., _Accreditation in Higher Education_, U.S. Office of Education, 1959, pp. 42-70. Slightly different dates are given in other sources.

South a decade later and reached the west coast early in this century. Its initial goals were the establishment of uniform collegiate entrance requirements, and the ejection from college of preparatory departments, which were then widespread. In 1870, the University of Michigan was the only state university without a preparatory department; it was estimated that, in the West and South, at least three-quarters of the students were "prepared for college by the colleges themselves in their own preparatory departments."[23]

The effort to standardize college entrance requirements led also to the organization in 1900 of the College Entrance Examination Board by Middle States institutions. "The purpose of the board was to secure the adoption of uniform definitions of the subjects required for college admission. This it accomplished through the issuance of statements of the ground which should be covered in the various subjects in the secondary schools and its college admission examinations, which soon came to be accepted by colleges and universities throughout the country as alternatives to their own."[24] William Selden observes that, by 1900, "the main standardizing influence in higher education--the classical liberal curriculum" had been undermined by the election of courses.

In all regions but the Northwest, there was a prolonged lag--from fifteen years in the North Central states to seventy in New England--between the creation of the association and the formal accrediting of colleges (high school accrediting was often started earlier). The old, sternly independent private institutions of the east might join a club to help lesser schools and perhaps even release the names of members, but a stricter kind of accrediting with fixed standards, reports, and inspections was distinctly distasteful. Though they have since yielded to the democratic idea that, everyone being equal, no one should be above scrutiny, they do not necessarily like it or take it as seriously as lesser, or less vain, institutions. When an accrediting team visited an ivy league campus recently, the president asked if he really had to see them. Accrediting finally breached the New England sanctum as a consequence of the 1952 Veterans Readjustment Assistance Act which rendered veterans attending accredited institutions readily eligible for benefits. The meeting at which the New England association resolved upon accrediting cautioned that it "should not become involved in technicalities, and preferably should only re-examine those who do not...satisfy our standards."[25] (And how would one know that, without an initial examination? Presumably, the way everyone in a small town knows everything.)

In the Midwest, where populism and public universities were stronger, accrediting was taken more seriously. Largest and historically the most influential of the regionals, the North Central Association of Colleges and Secondary Schools was the first to develop quantitative standards and the first to discard them. In 1934, after a major study, North Central substituted the policy that has since governed all regional accrediting of higher educational institutions, that "an institution will be judged in terms of the purposes it seeks to serve."[26] The new policy became a practical necessity because common criteria can be applied only to comparable institutions. As the association's members broadened from the founding corps of four-year liberal arts colleges to junior and teachers colleges and the technical and professional institutes that comprise the motley world of American "higher education," all could not possibly meet the same set of absolute criteria.

Specialized Accreditation

Common standards remain feasible for agencies accrediting programs and schools that qualify graduates to take examinations for state licenses required to practice many trades, occupations, and professions. The license supposedly attests to their qualification, the examination supposedly tests them, and the accrediting agency's standards affirm that graduates of designated schools are more likely to pass the examination than graduates of unaccredited schools. The probabilities are increased when only graduates of accredited schools are permitted to sit for the exam and members of the same professional association which conducts the accrediting also prepare the examination and control the state licensing board.

The prototype professional association and still with little question the most important single association engaged in the accrediting of professional programs is the American Medical Association. More an empire than a profession, the AMA engages in the accrediting of medical schools, together with the Association of American Medical Colleges; the accrediting of hospitals, as a member of the Joint Commission on the Accreditation of Hospitals; the approval of medical graduate, residency, and continuing education programs; the examination of foreign medical graduates through the Educational Council for Foreign Medical Graduates; and the accreditation of a burgeoning host of allied health programs in collaboration with some twenty independent, allied, vassal, or hostile associations. Well funded, well staffed, and well connected, envied and emulated or denigrated and attacked, the AMA cannot easily be ignored by anyone interested in accrediting.

In 1847, when the AMA was established, "the doctor of medicine degree was being awarded for less than six months of study plus some apprenticeship, and standards in admission requirements were practically nonexistent."[27] Up to 1880, only eleven states had enacted licensing statutes for doctors.[28]

> The old proprietary medical schools were essentially profit-making institutions, devoid of laboratories and hospital connections, in which teaching was done by lecture and a rare dissection. The course of study was normally one academic year; the tuition income was divided among the local medical practitioners who did the teaching. "Chairs" in medicine were sold to their occupants.[29]

The conditions of another period (like those of another country) can seem so obviously bad that we may wonder why they were not changed. But, at the time, they did not seem quite so bad or quite so easy to change (exactly as we view our current problems). Thus, it took some sixty years before the American Medical Association was able to move vigorously to reform medical education. Selden attributes the long delay to "a continued acceptance of the philosophy of laissez-faire and...opposition on the part of many physicians who feared that their own professional competence and educational background would be questioned if the schools where they might have studied were not on the approved list."[30] "Grandfather" clauses exempting established practitioners from the requirements imposed on new licensees have been one way around the opposition of the old guard to higher professional standards.

During the intervening years, graduate education in the German research pattern was being introduced to U.S. universities, making laboratory and hospital facilities, and lengthened years of study, more essential in the biomedical sciences. Johns Hopkins established the first modern graduate school in 1876 and in 1893, a medical school whose faculty devoted their full time to teaching and research; two years later, Harvard adopted a four-year medical curriculum. Thus, the foundations of the old, quick and proprietary education taught by practicing doctors for part-time income were being undermined by the leaders of medical education. When the AMA finally pushed, the old structure fell.

In 1905, its Council on Medical Education "published a classification of medical schools based...on the percentage of licensure examination failures"; in 1906, it began to inspect the schools, and in 1907, prepared a second classification which placed the 160 schools in one of three groups. There were "82...in Class A (approved), 46 in Class B (probation), and 32 in Class C (unapproved)."[31] No one likes being put in an invidious category. Many such classifications were undertaken in the early years of accrediting, and all were subsequently abandoned. Attacked for its effrontery, the AMA asked the Carnegie Foundation for the Advancement of Teaching to review medical education. A two-year study was thereupon started by Abraham Flexner and N. P. Colwell, secretary of the AMA Council on Medical Education. The Flexner report, published by the foundation in 1910, is commonly cited as a spectacular example of an expose producing immediate reform. More likely, it precipitated changes toward which many forces were independently conspiring.

The gist of these changes was a sharp reduction in the number of medical schools and particularly of proprietary and part-time night schools, which were shamed and starved into closing or merging and affiliating with universities. They were transformed from businesses with the short-term outlook of supplying what the market demanded (including M.D.'s by correspondence) into state or nonprofit institutions supplying the kinds of graduates which leaders of the profession thought the public needed. The simple lists of accredited schools, and the accreditation visits and reports which helped and pressured institutions to meet the new professional standards in order to remain on these lists, played a significant part in effecting this transformation. "I suspect the [American Medical] Association was not at all prepared for the coercive power of its publicity," Samuel Capen, first head of the American Council on Education, remarked in a 1933 address.

"The weak schools literally melted away."[32]

Flexner wanted to reduce to 35 the 155 medical schools functioning in 1910; in fact, the number dropped to 95 by 1915 and 80 by 1927. He explicitly espoused the restriction of supply that the AMA continued to favor for decades thereafter.[33]

Commenting on the sharp expansion of British higher education that followed the 1963 Robbins report, novelist Kingsley Amis remarked dourly that "More means worse." It is an elitist remark uncongenial to Americans, who prefer the idea of "Quantity with Quality."[34] Nonetheless, the Amis idea, in the converse form "Less means better," was what the AMA and other professional agencies pursued and achieved in their early years of accrediting. The conflict between democratic pressures for more and elitist pressures for less has persisted throughout the history of accrediting.

Even a cursory review of ready sources shows the similarities between the development of AMA accrediting and that of a number of other professional associations, especially in such neighboring fields as dentistry, optometry, pharmacy, and veterinary medicine. The causes, no doubt, were partly the comparability of their educational problems and social functions and, partly, their emulation of the medical profession whose status and strength they hoped to approximate. All four aforecited professions began their accrediting after the AMA; all established standards designed to combat proprietary education and to induce freestanding schools to affiliate with universities; and all published lists in which schools were grouped into several quality classes.

The growth of professional accrediting was also closely linked to the growth of state statutes and licensing boards which defined the qualifications needed to practice in terms that dovetailed with the standards set by the profession's accrediting arm. However, that is a simplification, because within each profession, practitioners and academicians have engaged in a constant battle for dominance in the setting of licensing and accrediting standards, and it is not surprising if each faction comes to exercise a greater influence in its field of primary interest and competence. Accrediting has been instituted in some fields (such as pharmacy) by the deans of professional schools to provide some protection for academic standards against the pressing practicality of licensing boards. Insofar as "academic" implies an interest in knowledge for its own sake and a corresponding aloofness from the more mundane features of professional practice, a division can also be noted between the more "academic" schools, which stress the intellectual foundations of a profession (the Yale law school, it is said, teaches everything but law) and the less academic or "cram schools," which are concerned mainly to produce graduates who can pass the state examination and earn a living at the trade. The latter may be weaker on the theory, history, or social philosophy of their profession, but they often provide their students with better practical or clinical training, and may enroll far more students.

The two conceptions or factions of professional education have led to the emergence of two separate accrediting agencies in medicine and law.[35] In other fields such as psychology and social work, the practitioners have led the drive for accreditation and licensure, which the purer academicians have shunned as debasing the coin of knowledge. One can regulate the use but not the discovery of knowledge; one can license an engineer, but not a scientist, a professional musician but not a composer. When all is said and done, accreditation is a manifestation of educational bureaucratization or, to use a kinder word, rationalization, and one can rationalize only what is systematizable.

What is good for one is good for all. The growth of accrediting by recognized professions induced accrediting by groups aspiring to recognition as professions, rival accrediting by competitive forces, the initiation of accrediting in specialized or dependent fields by paternal professions and their progeny's subsequent insistence on independence; accrediting of introductory, graduate, and continuing educational programs; the preaccrediting of programs deemed unready for full accreditation; the independent accrediting of institutions, like teachers and Bible colleges, ineligible for regional accreditation; accrediting by heretical sects--chiropractors, psychoanalysts, hypnotists, fundamentalists and nontraditionalists: it is hard to know which is truly orthodox, in a country whose tradition is constantly to overthrow tradition; the accrediting of noneducational institutions like hospitals, medical laboratories, animal quarters, museums, sheltered workshops, prisons.... There is hemi-, demi-, and semi-accrediting by groups which give less attention to one, several, or many particulars of accrediting than is deemed proper by the statesmen, lawyers, or Emily Posts of accrediting (though anyone who dares name a model accrediting agency will be pounced upon by all the others). Will the proliferation never end?

Probably not, so long as this is a free country in which anyone can form an association and freedom of speech and publication is preserved. The presidents of educational institutions have sought to dampen, if they could not extinguish, the proliferation of professional and occupational accrediting programs, each of which reduces their ability to manage their institutions as they think best. The regional commissions and other agencies which accredit entire institutions, of which, in March 1973, at least twenty were recognized by the Commissioner of Education,[36]

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are also natural opponents of agencies which accredit specialized programs. Two bodies with which this study will be much concerned, the National Commission on Accrediting and the Office of Education's Accreditation and Institutional Eligibility Staff, have also striven to reduce proliferation. It cannot be said that all of these forces together (but they work apart and in opposition, as well as together) have had much more success at that than did King Canute at holding back the tides.

Central Monitoring Agencies

Some note should now be taken of the history of efforts to establish central national agencies to accredit higher educational institutions or monitor, coordinate, and superintend the multifarious accrediting of other agencies. The Office of Education's involvement with accreditation will be considered in the next chapter; we shall deal here with the central private agencies, especially the National Commission on Accrediting (NCA) and the Federation of Regional Accrediting Commissions of Higher Education (FRACHE).

A central agency would offer so many advantages over the more than a dozen regional and national agencies accrediting degree-granting institutions that we may well ask why one never arose. In fact, a number of central accrediting and proto-accrediting agencies coexisted with the regional associations for long periods before finally yielding the field to them. The battle to overshadow, subdue, or absorb independent institutional accrediting agencies continues unabated; and the regionals, too, may one day yield the ghost of their independence to a national organization prefigured by FRACHE.

The AAU and AAUW

Setting aside the lists prepared for its retirement system by the Carnegie Foundation for the Advancement of Teaching, the Association of American Universities and the American Association of University Women are credited with issuing the first regular national lists of institutions comparable to those now compiled by the regionals. The AAU activity began after the University of Berlin and other German universities stated that they would accept for graduate work only students with bachelor's degrees from AAU members. Seeking to enlarge the number of acceptable institutions, the association asked the Office of Education to undertake a suitable classification of colleges and universities. When a rumpus arose and the OE work was not published, the AAU, in 1913, prepared its own list of 119 institutions, whose degrees it asked the German education ministries to honor. In 1914, it published the list (a modified version of the earlier OE list, and prepared by the same man, Kendric Babcock, who had since left OE for the University of Illinois), which divided colleges into three groups reflecting the experience of AAU members with the success of their students in graduate school.

Subsequently, the groups were amalgamated into a single list which came to hold a prestigious place among the lists competing for public standing. In 1924, the AAU accepted "in a general way" accrediting standards advanced by the American Council on Education, though still stressing "the performance of recent graduates of institutions in. . . graduate and professional schools...." In 1938, it declared that it "has no standards or definite rules and specifications to be applied in an exact and mechanical fashion. What it tries to do is to find out what the institution does and whether the work is well done."[37]

The statement paraphrased the principles enunciated by the North Central Association a few years earlier and subsequently endorsed by the regionals. AAU "accrediting" or list-preparation ended in 1948 and the void it created had something to do with the establishment of the National Commission on Accrediting.

The second agency which for many decades engaged in the central "accrediting" or listing of higher educational institutions was the American Association of University Women (from 1882 to 1921, the Association of Collegiate Alumnae). Its activity was initiated to identify the institutions whose graduates would be eligible for association membership. Among the early requirements were that an institution: offer no secondary or preparatory instruction; have graduated at least 25 women (soon raised to 50); have at least a $500,000 endowment; show "a reasonable recognition of women in governing boards, in faculties, and in the student body"; and meet specified standards for faculty, students, curricula, and finances. These requirements were confirmed by investigations conducted by association members. From 1910 onward, the AAUW accepted inclusion on certain lists (such as those of the Carnegie Foundation for the Advancement of Teaching, the Association of American Universities, and the regional accrediting commissions) as partial evidence of an institution's compliance with its standards, confining its investigation to other points, particularly those dealing with the status of women.[38]

The eventual termination of the AAUW's listings in 1963 followed protracted negotiations in which representatives of the National Commission on Accrediting urged it to rely on the regionals' lists, while the university women resisted the suggestion that it relinquish to male-dominated groups an activity it had pursued for so long.

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The activity of the AAU and the AAUW may be termed light-handed or old-fashioned accrediting in contrast to the heavier-handed newer fashion defined most rigorously by the Office of Education. The old-fashioned style once exemplified by the New England Association is practiced today, in all likelihood, by many more agencies than care to acknowledge it. The new fashion bows methodically in more directions of the educational and legal compass and views accreditation very somberly. That is perhaps right for a mark upon which much status and money and other worldly rewards can rest, and it is certainly right insofar as it renders accreditation more accessible to all who deserve it. But it is less of a gain insofar as it has made the process of accreditation more labored without necessarily making it any more reliable or useful than the old-fashioned lists.

The National Commission on Accrediting

If one were to seek a single national statesman of accrediting it would inevitably be the director of the National Commission on Accrediting. All three NCA staff directors -- Fred Pinkham (1949-1955), William Selden (1955-1965), and Frank Dickey (1965-1974) remain active figures in the higher diplomacy of accrediting. The NCA has offered a possible alternative to the Commissioner of Education's legitimatizing and monitoring of agencies which accredit higher educational institutions and programs and, with certain changes to enlarge its scope and representativeness, could conceivably monitor agencies which accredit all postsecondary institutions and programs.

As a creature of college and university presidents, the roots of NCA go back beyond its formal organization at least to the early interventions of the American Council on Education and several associations of universities in the burgeoning accrediting of the 1920s. University presidents have responded to accrediting agencies much as a dog responds to fleas--and with as little ultimate success.

The authors of a 1940 study wrote that, "in the short space of 30 years," accrediting had become "a cumbersome...machinery which appears greatly in need of simplification and coordination." As far back as 1906, the National Association of State Universities took the initiative in establishing the National Conference Committee on Standards of Colleges and Secondary Schools[39] to promote standardized practices and nomenclature to distinguish secondary school and college curricula, faculty, and facilities, and to govern admissions into, and transfers among, colleges. In 1923, the committee gave up its ghost to a Committee on Standards formed in 1921 by the American Council on Education (itself, a product of World War I).

The ACE committee formulated definitions and standards for colleges, junior colleges, and normal schools and teachers colleges, respectively, which it recommended that "national, regional, and State agencies... accrediting institutions of higher learning" adopt. For example, the section on colleges stated that a college should require for admission satisfactory completion of a four-year course in an accredited secondary school and, for graduation, completion of 120 semester hours of credit. Teaching schedules should not exceed 16 hours, nor should classes be larger than 30 students (lectures excluded). Annual operating income should be at least $50,000, half "derived from stable sources, other than students." Finally, no college should be accredited "until it has been inspected...by the accrediting organization."[40] Save for the last proposition, the committee thus concerned itself more with substantive standards than with the principles and procedures which should govern the organization and operations of accrediting agencies.

But standardization, if achieved, was only half of the solution to the problems posed by accrediting: for standardization was also half of the problem. The 1924 annual NASU meeting resolved that "the movement toward standardization in higher education... is assuming such a character as seriously to limit both local initiative and... freedom of experimentation...." A committee appointed to study the problem pointed up some of the consequences that vexed university administrators:

> In a university having many schools and colleges, those units whose curricula are standardized by an outside agency... are in position to exert a disproportionate pressure upon the general university administration for funds. Therefore, all other units of the institution not already so standardized are feeling the impulse to standardize through national organization. On this account, the movement is likely to grow so as to include practically all phases of higher education.[41]

In 1926, NASU issued a list of accrediting agencies with which--and only with which--it suggested, its members cooperate.

In 1938, NASU and the Association of Land-Grant Colleges and Universities established a Joint Committee on Accrediting charged with reducing the demands of accrediting agencies. This was to be accomplished by the preparation of a list of accrediting agencies with which member institutions were encouraged to cooperate; new agencies were to obtain the committee's approval before intruding on state campuses. The committee was directed to work "toward an elimination of some of the existing accrediting agencies if possible, simplification of procedures, reduction of duplication...and restoration of responsibility to states and institutions."[42] (The reference to state responsibility was echoed in the 1940 Office of Education report cited earlier.)

Plainly, the Joint Committee failed to achieve these objectives or it would not have been necessary for another group of presidents to give virtually the same charge to the National Commission on Accrediting, which inherited the committee's files and mission in 1949. According to Frank Dickey, their action was spurred by the resurgence of professional accrediting "which had been held in abeyance during the war years. With the rapidly expanding enrollments...and with many diverse and pressing needs converging upon college administrators, the renewed demands of accrediting agencies became an irritation that encouraged an immediate and positive response...."[43] In one of the most tumultuous episodes in the history of accrediting, the presidents declared war on the national accrediting agencies which had invaded so many of their professional schools, dictated so many of their academic policies, and appropriated so much of their income. Yet, when the smoke lifted, the battlefield looked like a movie set, unmarked by mock shells. The professional agencies were too scattered and well entrenched, too numerous and active on too many fronts to be stopped by imprecations and the part-time labor of a few presidents and a diminutive staff.

Though this may not have affected the outcome, those who led the fight were not presidents of the most prestigious universities. It is a general reflection on the standing of accrediting agencies in academia that their activities have evoked little continuing attention from such presidents (though some were involved in their creation). "...the presidents and other major officials of many of the most influential colleges and universities," Frank Dickey and Jerry Miller observe, "have shown in the past several decades decreasing interest, if not antipathy, to accreditation as an important function in the governance of higher education."[44] Thus, the Joint Committee on Accrediting and the new National Commission on Accrediting were headed, successively, by John Tigert of the University of Florida, Reuben Gustavson of the University of Nebraska, and Cloyd Marvin of George Washington University. All of these men, one close observer notes, were presidents of institutions beset by specialized accrediting agencies and yet not strong enough to scorn them. The stories of administrators who send presumptuous accrediting teams packing tend to come from first-rank institutions.

NCA was composed of two types of members: the constituent associations of colleges and universities (five at the outset, and seven in 1973)[45] each of which designated six members of the governing board (reduced to three in 1973); and institutional members of these associations, which could become NCA members upon payment of annual dues. In 1950, NCA had 640 institutional members (in 1973, some 1,400). Therein, one might think, lay enough power to accomplish its purposes. But the first year's budget was only $30,000; policies were not binding on members;[46] and the initial purposes of suppressing or controlling specialized accrediting were grandiloquent, unclear, or unrealistic. Nor did the attitude of American Council on Education president George Zook help. Zook told NCA chairman Gustavson "that the American Council could not give up its place in accrediting studies.... He regretted that [NCA]... has not seen fit to work more closely with the American Council....he resented any organization in higher education being formulated that did not come to the American Council for advice."[47]

NCA's leaders would have liked to extirpate professional accrediting or subject it to the control of the regional agencies; but they displayed little knowledge of the enemy and an exaggerated idea of their own strength. Should they have succeeded in expelling professional accrediting from their campuses, they would probably have had to invite it back. Starting from a position of hostility NCA, over the years, moved to one of understanding and support for professional accrediting and even of occasional hostility to institutional accrediting. The shift from regulation to advocacy, true also of OE's Accreditation and Institutional Eligibility Staff, is common enough among regulatory bodies.[48]

NCA, William Selden relates, "received the advice and encouragement of some who hoped [it]...would abolish all accrediting and of others who hoped [it]... would undertake directly the responsibility for accrediting. Still others expected the regional associations to assume the primary functions even though at the time...only four regional associations actually pursued accrediting and did so in different ways and with varying degrees of success" (the New England and Western Associations were the two miscreants). Pondering these alternatives, the commission decided to stop the world while it resolved upon its course, and called "a moratorium on all accrediting while it studied the situation...."[49]

The minutes of the formative NCA meetings in 1949-52 suggest that the commission sought most seriously a solution which would delegate all accrediting to the regionals and pare professional accrediting down to a few agencies which, with NCA approval, would either serve the regionals in an advisory capacity or work under their direction. The privileged few were those whose position was so entrenched in state licensing laws that no edict of university presidents could blast them out.

In January 1952, NCA prepared two lists, one of associations with "a legal obligation to society," and the other, of associations which might be dealt with more peremptorily. By June, the lists had grown to four:

I - associations "now presenting problems which may be best worked out with the NCA prior to the transfer of the accrediting functions of these organizations to the Regional Accrediting Associations." These were the legally entrenched associations accrediting in architecture, dentistry, engineering, law, medicine, nursing, pharmacy, and veterinary medicine.

II - associations expected to work under the direction of the regionals, including those accrediting in business education, chemistry, forestry, journalism, librarianship, psychology, social work, and teacher education.

III - associations which should be concerned with the improvement of professional education, but not, in NCA's opinion, with accrediting, in journalism, public health, law, and medicine. The Association of American Law Schools and the Association of American Medical Colleges fell in this group, as the American Bar Association and the American Medical Association had been placed in Group I.

IV - four associations "which the Commission believes have no functions or responsibilities in accrediting": the American Association of University Women, American College Retailing Association, American Council of Christian Churches, and the American Association of Professional Radio Education.[50] Only four.

In October 1952, the executive committee met with representatives of eleven associations in groups II and III and told them that "the Commission intends that the Regional Associations will have assumed, by January, 1954, full responsibility for accreditation of institutions of higher education." Seven associations "were advised to stop accrediting...and to begin to work with the Regional Associations...." They were asked to "make no charges for accrediting services after January, 1954, or for institutional or corporate dues or fees used for accrediting services." At the same time, NCA institutional members were requested "to stop accrediting relationships with" and "to cease payment of accrediting fees to" these associations, and to deal with the regionals on questions involving accrediting in their fields. The seven associations were: the American Association of Collegiate Schools of Business, American Chemical Society, Society of American Foresters, American Council on Education for Journalism, American Library Association, American Council on Social Work Education, and the American Association of Colleges for Teacher Education. All seven, or their successor associations, it may be noted, were subsequently recognized by NCA.

A longer list of associations, including not only those in Group I but three of the four in Group III, "present special problems and...additional time has been extended for study of these problems," executive secretary Fred Pinkham advised commission members in November 1952. "Pending further announcement, institutions should feel free to continue their accrediting relationships with these organizations, but should refrain from dealing with these agencies concerning any extension in scope or level of accrediting...."[51]

At this critical juncture, NCA was faced with an untimely problem. In an effort to improve the quality of courses for which veterans could receive educational benefits, the Korean GI Bill required the Commissioner of Education to "publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution...." As Matthew Finkin points out, "the language of the statute clearly assumed that there were recognized national accrediting agencies who were responsible authorities on the quality of education offered."[52] Little did the legislators know.

In April 1952, Cloyd Marvin and Fred Pinkham met with Fred Kelly and Ernest Hollis of the Office of Education to discuss the list that would soon have to be published. Since OE was not inclined to dictate to the leaders of higher education, its representatives agreed to let NCA prepare the list for Commissioner of Education Earl McGrath. Alas, when the bill became Public Law 550 in July 1952, Pinkham had to advise McGrath that NCA was not ready:

> In its annual meeting June 28th the National Commission... decided not to extend its jurisdiction at this time to include less-than-college level institutions. Although it intends to broaden its scope of activity in the future....it is not in a position at this time to issue a comprehensive list of recognized agencies...in all post highschool education.
>
> In view of the fact that Public Law 550...requires your office to publish immediately a list of nationally recognized accrediting agencies and associations, our previous agreement must be altered....
>
> It is our understanding that the promulgation of this list is for the sole purpose of fulfilling the requirements...of Public Law 550, that activity in this area by the Office of Education will not extend beyond this purpose and function, and that recognition afforded an agency by inclusion on the list for the above purpose does not constitute unqualified endorsement of the practices of the agency or of the institutions the agency accredits.[53]

Thus did NCA admit what was then an obsequious wolf into their fold. And, it should be noted, the first list of recognized agencies issued by the Commissioner of Education in September 1952 included all seven of the professional agencies which NCA was trying to banish, eleven of the twelve whose wings it was trying to clip (the American Psychological Association alone was for some reason omitted), as well as six others which NCA had overlooked or deferred for later consideration, accrediting Bible colleges, theological schools, and schools of music, chiropody, optometry, and osteopathy.

If the professional agencies were to yield to the regionals, there had to be someone to yield to. The commission therefore sought to strengthen the regionals and their nominal federation, the National Committee of Regional Accrediting Agencies (NCRRA). It was encouraged when the Western Association began to accredit in 1949 and when the New England Association voted, early in 1953, to visit institutions which had formerly been accredited in perpetuity, a step that brought it into closer, if ragged, alignment with the other regionals. But it was forced to acknowledge that, despite "very signigicant strides... taken by the Regionals...progress has been slow.... The NCRAA has been relatively ineffective...."[54] By mid-1953, the commission recognized that it could not meet its January 1954 deadline for melding professional and institutional accrediting. "If the NCRAA wants to publish a national list" of accredited institutions, the June 1953 minutes record, "the Commission will promote it. The only list in the final analysis will be the Regional list but temporarily, the Professionals will have to go on." And so they did.

The subsequent history of NCA will be abbreviated, for the closer we get to the present, the more does it become part of the activities and issues with which this study is concerned.

NCA's inability to produce a list for the Commissioner of Education was followed shortly by its inability to subdue the medical profession. In January 1953, representatives of the AMA and the AAMC told the commission that they would continue to accredit medical schools as they had done for decades. If the institution wished, they would provide a copy of their accrediting report to the regional association; they would be glad to help the regionals and, if possible, participate in their team visits. The account of the meeting leaves the impression that the doctors were entirely polite but not entirely obedient. University presidents have long been familiar with such conduct from their medical deans. The doctors were not the only disobedient professionals. NCA was also weakened from within. Institutional members were never bound to heed, only to hear, its policies,

> Now, many institutions were unsure about severing relations with the professional agencies; some notified the Commission of their intent to continue these relations; several considered withdrawing...from the Commission....[A]t one of the most influential public universities, a faculty committee recommended to the president that the university oppose the Commission's recommendation. "The Committee believes that, on the whole, society and the interests of institutions are better served by the present scheme than by the one proposed by the Commission," it stated.[55]

In time, a gradual change came over the commission. If professional accrediting were inevitable, it might as well relax and at least try to regulate it. The effort to dampen the proliferation of new agencies continued, though, as Table 2 shows, with dubious long-term success.

Unquestionably, some good came of NCA's efforts. Amateurs enthusiastic to start accrediting are given grounds to pause and may turn their energies in other educational directions--or they may become professionals and be added to the list of recognized agencies

TABLE 2

Multiple Accreditation of Colleges and Universities, Fall 1972

Number of Specialized Accreditations	Type of Institution				Total Number of	
	Junior Colleges[a]	Four-Year Colleges[b]	Professional Schools[c]	Universities[d]	Institutions	Specialized Accreditations
0	675	410	122	29	1,236	0
1	197	238	272	56	763	763
2	47	68	98	30	243	486
3	19	24	49	20	112	336
4	10	5	34	20	69	276
5	1	1	13	24	39	195
6-10	-	-	11	76	87	661
11-15	-	-	-	41	41	507
16-20	-	-	-	17	17	298
21-25	-	-	-	7	7	154
27	-	-	-	3	3	81
Total	949	746	599	323	2,617	3,757

Source: Analysis of 2,617 of the 2,686 institutions reported in the Office of Education's Higher Education Directory, 1972-73.

a. Highest level offering two but less than four years beyond high school.

b. Colleges offering four or five year baccalaureates.

c. Highest offering first professional degree, master's, or beyond, but less than doctorate.

d. Highest offering doctorate.

which NCA finally began to issue in 1956. NCA has been caught in a dilemma between wanting, in the interests of institutional presidents, to restrict the number of agencies it recognizes and having to recognize more agencies if it is to represent all of private accrediting.

At its spring 1973 meeting in Chicago, when it recognized the National Home Study Council, its first agency concerned mainly with proprietary schools, and gave professional agencies representation on its board, NCA seemed out to rival the Office of Education in the scope of its constituency. Indeed, it had to do so if it were to speak for the interests of private agencies with the same authority that the Commissioner exercised by reviewing and recognizing agencies which accredit in the proprietary, vocational and secondary sectors that NCA had not yet chosen to enter.

FRACHE

In 1949, "when criticism of accreditation was at its height"[56] and the same year that the National Commission on Accrediting was founded, a National Committee of Regional Accrediting Agencies was set up to concert the regionals' activities "and to cooperate with similar national agencies, in the hope that ways may be found to minimize some of the evils that have accompanied the rapidly expanding accrediting movement."[57] The committee met periodically and issued an annual list of regionally accredited institutions, but "cooperation remained mostly on an informal basis of exchanging representatives to annual meetings, the sharing of information, and the like."[58] Norman Burns, staff director of the North Central commission and committee chairman, took a leading part in transforming it, in 1964, into the Federation of Regional Accrediting Commissions of Higher Education (FRACHE) and served also, on a part-time basis, as the new federation's secretary. According to Louis Geiger, "...Burns viewed the federation move as a step toward the independent development of national uniformity in accreditation practices which was made necessary by the rapid growth of Federal assistance to schools and colleges."[59]

However, the individual commissions gave up little power, for the affirmative vote of five of the six regions was necessary for binding action; thus, the hoped for "development of... uniformity" proved vain. "The Federation..., such as it is, is intended to bring about a sort of uniformity of policies and procedures...but so far it has not been effective (and that is an understatement)," observed Gustave Arlt, president of the Council of Graduate Schools, in 1966.[60] "The Federation deserves commendation for what it has done, but measured in terms of existing problems and criticisms it has actually accomplished very little--and certainly not enough. Nor can it do so with its limited authority, its limited functions, and its very limited national visibility and recognition. There must be evolved a new agency with unprecedented authority and a national orientation," Claude Puffer and his associates concluded in 1970[61] after they were asked by FRACHE to recommend measures to promote the rationalization and nationalization of the regionals' divergent practices. "Underlying all recommendations," they stated,

> ...is the firm belief that the time has come when the achievements of the Federation must form the basis for a great stride forward in power, authority, influence and visibility - perhaps through the creation of a new national organization or at least a comprehensive and thorough reorganization and vitalization of the existing one....the regional commissions cannot meet the existing criticisms without the national organization, and...it is likely that institutional accreditation will move to the states or the federal government if standards and policies and procedures remain fragmented and dissimilar among the six regions.[62]

The Puffer report noted the need to reconcile differences in regional standards and to extend accreditation to new kinds of postsecondary institutions and instruction. Historical accidents had produced divergences in regional standards so that Junior College X or Technical Institute Y might be accredited in one region and not in another. Was that a fair and nondiscriminatory way to determine an institution's eligibility for public funds?

The public importance of accreditation had led to increased challenges--in and out of court--to the fairness, validity, and public spirit and accountability of the regionals. So long as accrediting agencies were, like the New England Association or the Association of American Universities, avowedly clubs of like-minded and mutually congenial educators, such challenges would not arise. In a free society, anyone has the right to form such a private club and, like the League of Red-Headed Men, it could be as arbitrary as it wished about selecting members. But as accrediting agencies had come to serve public and governmental functions, and to control access to public benefits, they must set up fair rules and operate by them in a manner defensible to the public and the courts. That meant, Puffer thought, providing access to regional accreditation in all states by all kinds of postsecondary institutions; reasonable standards for accreditation; procedures that were relevant to the standards and consistently applied; the right to appeal adverse decisions; a more open stance about their procedures and decisions; and, to promote that openness and the sense of serving the public interest, the addition of "public" representatives to the federation's governing board.[63] A fine set of goals: but how quickly would they be achieved and how long would regional divergences persist beneath the emergent national forms?

In October 1971, the regionals resolved to give FRACHE "power to establish principles and policies at the national level to be followed by the regional commissions in carrying on their accrediting activities...."[64] A further step toward establishing a genuinely national agency was the opening of a FRACHE office in Washington in September 1972. The new office, staffed by a full-time director, Robert Kirkwood, formerly of the Middle States commission, was located next door to the National Commission on Accrediting in the higher education emporium at One Dupont Circle.

Two Bears in a Cage

"...only in logic," Freud once remarked, "are contradictions unable to exist: in feelings they quite happily continue alongside each other." Could he have been thinking of NCA and FRACHE? They have resembled two bears in a cage, uncertain of which was master. Both supposedly represented the same higher educational institutions; both supposedly wished to limit the proliferation of specialized accrediting agencies and to coordinate and simplify whatever specialized accrediting could not be eliminated; both supposedly wished to uphold the academic and administrative independence of their institutional members; and both wished to rally private accrediting forces against the inroads of government.

Nonetheless, both remained rivals--for power, if not for different purposes--and cooperated as porcupines are said to make love, very carefully. The regionals, refusing to bend the knee, never applied to NCA for recognition. Each had a member on the other's board (in 1973, FRACHE was invited to name three members of the reorganized NCA board) but his position was, at times, uncomfortable. NCA took the lead in several policy initiatives on which FRACHE dragged its feet. Thus, in 1969, NCA urged the regionals to establish separate commissions to accredit vocational schools, a move which would have done much to meet national needs and to reduce the anger of state officials at the regionals' disregard of this growing sector; but the proposal was rejected by FRACHE as a disguised form of specialized accreditation. In 1972, a FRACHE spokesman expressed regret at the decision. That response was not uncharacteristic: the rejection of a suggestion that seemed to question the adequacy of their work to meet the public interest, and then its subsequent consideration and possible implementation; or the slow acceptance of such a suggestion, and its slow implementation.

The regionals are slow, one imagines, not because their staff are lazy but because the associations are so academic. Dependent on the voluntary labor of hundreds of busy administrators and faculty scattered on countless campuses; with mass annual meetings in which the entire flock of institutional members assemble (unlike the NCA's cozy annual meeting of forty-odd presidents); with often difficult and delicate relations among the decidedly independent regional commissions for higher and secondary--and, in two regions, vocational--education, FRACHE can do little quickly. "The glacier is moving," one observer remarked with sardonic commendation in the spring of 1973, "and it may even be picking up a little speed."

To some, the regionals have seemed parochial and staff-dominated, and NCA, by contrast, more alert to political realities and responsive to the public interest. To others, the regionals are the truly indispensable accrediting agencies, which do the work upon which all others depend (since most specialized agencies will accredit only in institutions already regionally accredited). From their viewpoint, it was NCA which had outlived its usefulness, after it failed to stamp out specialized accrediting in the 1950s. Among numerous proposals circulating in the 1970s to reorganize FRACHE and NCA, one called for the abolition of NCA and its replacement by a strengthened FRACHE. Both organizations faced serious self-doubts about their purposes. To the regionals, doubt has stemmed from the fact that they have accredited almost all accreditable institutions of higher education; they must be taken seriously by small and marginal institutions, but not by strong ones. To NCA, self-doubt stemmed from the duplication of its review function by the Office of Education and its failure to control (or even to locate the breeding grounds of) the specialized accrediting agencies which swarm on campus.

In 1971, NCA and FRACHE announced their intention to merge, but the announcement proved premature. Early in 1973, both organizations increased their dues and budgets and embarked on negotiations to enlarge their constitutencies (and income): FRACHE considered adding agencies accrediting institutions such as Bible and proprietary schools and NCA added representatives of the specialized agencies. A period of conflict between strengthened forces seemed to impend when, *mirabile dictu*, a formula for merger was finally agreed upon, partly due to pressure from the secretariat of higher educational associations who otherwise threatened to advise their institutions to withdraw their membership. In January 1975, a new Council on Postsecondary Accreditation will absorb and expand the functions of FRACHE and NCA. The 36 members of the council's board will include 12 members designated by the regional commissions, 8 by higher education associations, 8 by agencies accrediting specialized schools and programs (including 3 accrediting proprietary schools), 2 by the Education Commission of the

States, 1 by the Commissioner of Education, and 5 "public" members designated by the board itself. In short, the new council will seek to mix oil and water: to reconcile institutional and specialized, nonprofit and for-profit, private and public, academic and vocational interests. It will both regulate and represent accrediting agencies. If it succeeds even partly, it will constitute the most important development in accrediting since the formation of NCA. It should prove particularly useful as a private counterweight to the growing power of the Office of Education over accrediting agencies.

Two Missing National Organizations

Two organizations that might exist have been missing from the national scene.

One we searched for at the outset of this study, expecting that it had been misplaced and would turn up, and when it later did, everything was in order: an organization to represent the interests of specialized accrediting agencies. Was that not the National Commission on Accrediting? Yes and no. NCA often represented their interests—that was one source of its conflict with FRACHE; but it was the representation of a regulator, not an elected, responsible delegate. However, NCA did play a part in establishing the new Council of Specialized Accrediting Agencies, which was created to designate three members of the reorganized NCA board. According to the 1973 design, this was to include 27 other members, three designated by each of seven constituent educational associations, three, by FRACHE; and three public members. Not a fair quota? The specialized agencies took their slice of the loaf with surprising grace, for it would give them a chance to meet with the presidents, to present their case and learn what was afoot, without binding their hands.

In the process, a continuing organization was formed that was not confined to the initial purpose of dealing with NCA, but could act on any matter in the common interests of its members. If there are enough such matters, the organization might grow into a major independent force in the national councils of accreditation. NCA might yet regret the dragon's teeth it had sown. If the specialized agencies--including more than a few firm enemies and wary friends--could not agree upon much that was significant, it would explain why such an organization had not been established before.

The early meetings seemed marked by a spirit of amity and accord. At one meeting, however, some agency staff who sought immediately to drive the government wolf from the accrediting fold were rebuked by others who deemed that unrealistic and unwise.

The second missing organization is one of agencies accrediting proprietary schools. In fact, two national organizations would be useful: one for all proprietary schools, accredited or not; and another, for all agencies accrediting them.

Private school organizations have been formed in many states in recent years. They serve promotional, informational, defensive, and, to some extent, self-regulatory functions. They inform high-school counselors and the public about member schools, lobby with state legislatures for such measures as the inclusion of proprietary school students in state programs of student aid and the contracting of public vocational programs to proprietary schools, work with education departments and licensing bodies, and advise their members about government program opportunities and regulations. H.H. Katz, former president of the Illinois Association of Trade and Technical Schools, reports that there is considerable support for the formation of a national federation

States, 1 by the Commissioner of Education, and 5 "public" members designated by the board itself. In short, the new council will seek to mix oil and water: to reconcile institutional and specialized, nonprofit and for-profit, private and public, academic and vocational interests. It will both regulate and represent accrediting agencies. If it succeeds even partly, it will constitute the most important development in accrediting since the formation of NCA. It should prove particularly useful as a private counterweight to the growing power of the Office of Education over accrediting agencies.

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Notes

1. Accredited Institutions of Higher Education, 1971-72, published for the Federation of Regional Accrediting Commissions of Higher Education by the American Council on Education, Washington, D.C., 1971, p. 275.

2. Lloyd E. Blauch, ed., Accreditation in Higher Education, U.S. Office of Education, 1959, p. 3.

3. See Federal Register, January 16, 1969, p. 643 and August 20, 1974, p. 30042.

4. Study of Accreditation of Selected Health Educational Programs, Commission Report, National Commission on Accrediting, Washington, D.C., 1972, p. 5.

5. Thus, Lawrence Bethel writes that "In the early stages of the [regional] accrediting movement the agencies took the initiative in urging the institutions to seek accreditment" (The Historical Development and Present Status of Procedures for Accrediting American Colleges and Universities, Ph. D. dissertation, Yale University, May 1940, p. 3).

James Koerner regards the regionals' present posture of voluntarism as an ill-concealed pretense. "The regional associations mislead the public by parading under the banner of voluntarism when they are coercive monopolies. There is nothing volumtary about them. Their brand of voluntarism...is laced with Orwellian irony: what is voluntary is mandatory, freedom is slavery" (James Koerner, "Preserving the Status Quo," Change, March-April 1971, p. 53).

Harold Clapp has written in a similar vein about the supposed voluntarism of NCATE--the National Council for Accreditation of Teacher Education. "...within a relatively short time the colleges that have not yet been engulfed in NCATE are going to be forced either to go out of the teacher education business or apply--voluntarily, of course--for NCATE's blessing.... the colleges still on the barricades are going to have to throw down their arms, run up the white flag, and march into voluntary accreditation by NCATE" ("The Structure of Accreditation," in Teacher Education: Who Holds the Power, Council for Basic Education, Washington, D.C., January 1963, pp. 9, 15).

Kenneth Jernigan, a former board member of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, has charged that "NAC acts to compel agencies and organizations to undergo its accreditation process or face reprisals" (November 29, 1972 letter to NAC president Peter Salmon, in NAC: Correspondence, Evasion, and Perspective, National Federation of the Blind, Des Moines, Iowa, 1973).

6. See John R. Mayor, Accreditation in Teacher Education, National Commission on Accrediting, 1965, p. 24.

7. J. B. Lon Hefferlin, Cut-Rate Credits and Discount Degrees, A Report on Quality Control of Non-Traditional Study through Government Regulation and Voluntary Accreditation, Center for Research and Development in Higher Education, University of California, Berkeley, September 1972, offset, p. 26.

8. Hefferlin did his study for the commission, which incorporated his words in its report (Commission on Non-Traditional Study, Diversity by Design, Jossey-Bass, San Francisco, 1973, p. 124).

9. All quotations from *Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Commissioner of Education and Current List*, The Accreditation and Institutional Eligibility Staff, Office of Education, March 1972.

10. Fred J. Kelly *et al.*, *Collegiate Accreditation by Agencies Within States*, U.S. Office of Education, 1940.

11. Frank G. Dickey and Jerry W. Miller, *A Current Perspective on Accreditation*, American Association for Higher Education, Washington, D.C., 1972, p. 9.

12. Fred J. Kelly, *et al.*, *op. cit.*, pp. 206, 213.

13. *Cf.* the minutes of an August 1, 1973 Chicago meeting of the staff of the AMA Council on Medical Education and the Office: "Mr. Proffitt urged that the AMA consider revising its terminology from 'approval' of educational programs to 'accreditation'.... Dr. Ruhe noted that these two terms have been used interchangeably by the AMA, and asked what distinction is made between the two by the Office of Education. Mr. Proffitt explained that 'accreditation' is used to refer to actions by predominantly private organizations; whereas 'approval' refers to actions by state agencies."

Burton Reis, executive director of the Western State University College of Law, a proprietary school in Anaheim, California, has criticized the Office's designation of American Bar Association "approval" as *accreditation*: "...the ABA does not 'accredit' *any* law schools; it only 'approves' them" (May 9, 1972 letter to Jacob E. Hershman of the OE Accreditation and Institutional Eligibiltiy Staff).

14. This was pointed out by New York Education Commissioner Ewald Nyquist in a May 1972 letter commenting on the Office's proposed new criteria, which were not, in this respect, critically different from the old. "Briefly, I wonder if our Board of Regents could meet the proposed revised standards. These criteria could effectively withdraw recognition from the Board...as a recognized accrediting body despite the [New York] Department's leadership in developing new approaches to accrediting" (May 30, 1972 letter to John R. Proffitt, director of the OE Accreditation and Institutional Eligibility Staff). Proffitt responded that "we expect that the Office's policy of recognizing that not all areas of the Criteria may be applicable to each and every accrediting agency will continue in effect: (July 1972 letter).

15. "Resolution Regarding Non-Recognition of State Agencies for Accreditation of Professional Programs," National Commission on Accrediting, March 28, 1969. A virtually identical resolution was initially adopted in April 1965, after the 1964 Nurse Training Act authorized the Commissioner of Education to list those state boards of nursing that he recognized as reliable authority on the quality of nurse training programs, which were thus rendered eligible for federal funds.

16. See Theresa B. Wilkins, in Blauch, *op. cit.*, pp. 33-34.

17. George F. Zook and M. E. Haggerty, *The Evaluation of Higher Institutions*, University of Chicago Press, 1936, p. 19. The 1870 report was, however, issued by the second Commissioner, John Eaton.

18. Zook and Haggerty, p. 24.

19. The list is given in *Accredited Higher Institutions*, 1917, U.S. Bureau of Education, Department of the Interior, from which the foundation's definition of a "college" is also drawn.

20. Thus, the College Association of the Middle States and Maryland, "wanted to develop a definition of secondary and higher institutions. This was the primitive beginning of the function of evaluation of colleges, universities, and secondary schools...by the Association"--the present Middle States Association of Colleges and Secondary Schools (Joseph E. Nechasek, *An Interorganizational Pattern in Higher Education: The Institutional*

Accreditation of Colleges and Universities, Ph. D. dissertation, State University of New York at Buffalo, June 1969, pp. 23-24).

21. Edward Y. Blewett, "Accreditation in the New England Region," in Lloyd Blauch, ed., op. cit., p. 46.

22. Idem.

23. See William K. Selden, Accreditation, A Struggle Over Standards in Higher Education, Harper and Brothers, New York, 1960, pp. 26, 31, 98. The last quotation is drawn from the 1873 annual report of U.S. Commissioner of Education John Eaton.

24. Fred J. Kelly, op. cit., p. 9.

25. Quoted in John F. Nevins, A Study of the Organization and Operation of Voluntary Accrediting Agencies, Catholic University of America Press, Washington, D.C., 1959, p. 216.

26. Allan O. Pfnister, "Accreditation in the North Central Region," in Lloyd Blauch, op. cit., p. 53.

27. Selden, op cit., p. 57.

28. See State Licensing of Health Occupations, U.S. Public Health Service Publication No. 1758, (1967?), p. 6, for a summary of the situation with regard to "modern" medical licensing statutes. An earlier wave of licensing launched in 1772 in New Jersey had waned "and by 1850 most states had abandoned them altogether in the wake of the Jacksonian democracy and its abolition of restrictions on individual enterprise" (John E. Deitrick and Robert Berson, Medical Schools in the United States, McGraw-Hill, New York, 1953, pp. 11-12).

29. Richard Hofstadter, "The Revolution in Higher Education," in Arthur M. Schlesinger, Jr. and Morton White, eds., Paths of American Thought, Houghton Mifflin Co., Boston, 1963, p. 286.

30. William K. Selden, "Accreditation of Postsecondary Occupational Education in Perspective: Issues and Alternatives," a paper presented to the National Conference on Accreditation of Public Postsecondary Occupational Education, Atlanta, Georgia, June 11, 1970 (offset).

31. William K. Selden, "Historical Introduction to Accreditation of Health Educational Programs," in Part I: Staff Working Papers, Study of Accreditation of Selected Health Educational Programs, National Commission on Accrediting, 1971, p. A 3.

32. Samuel Paul Capen, "Professional Education in America," in his The Management of Universities, Foster and Stewart, Buffalo, N.Y., 1953, p. 142.

33. Selden quotes this passage from Flexner's 1910 report: "...the improvement of medical education cannot...be resisted on the ground that it will destroy schools and restrict output: that is precisely what is needed" ("Historical Introduction...", op. cit., pp. A 4-5).

34. That questionable but politic phrase is drawn from the title of President Nixon's National Goals Research Staff report Toward Balanced Growth: Quantity with Quality (The White House, 1970).

35. In medicine, the AMA, the practitioners' association, accredits jointly with the academicians' Association of American Medical Colleges. In law, the American Bar Association accredits a somewhat larger number of schools than the Association of American Law Schools whose spokesmen (in keeping with Amis' law, given in the text), are naturally confident of the superiority of their educational standards.

36. Of the 49 agencies on the Commissioner's March 1973 list (not counting ten others accrediting in collaboration with the American Medical Association), the following were engaged primarily in institutional accrediting: the New York Regents and ten regional commissions accrediting institutions of higher, vocational, or (in one case)secondary education; five agencies accrediting proprietary schools; two accrediting Bible and

theological schools; one accrediting schools of practical nursing; and one accrediting schools for the blind.

37. Fred J. Kelly, *op. cit.*, pp. 14-15.

38. *Ibid.*, pp. 10-12.

39. In addition to the National Association of State Universities and, following its formation in 1918, the Association of American Colleges, members included the regional associations, the College Entrance Examination Board, the Carnegie Foundation for the Advancement of Teaching, and, ex officio, the U.S. Commissioner of Education.

40. Cited in Ella B. Ratcliffe, *Accrediting Higher Institutions*, Bureau of Education, Department of the Interior, 1926, pp. 5-6.

41. Cited in Kelly, *op. cit.*, p. 193.

42. *Idem.*

43. Frank G. Dickey, "Foreward," *The Role and Function of the National Commission on Accrediting*, National Commission on Accrediting, Washington, D.C., 1966, p. vi.

44. Frank G. Dickey and Jerry W. Miller, *A Current Perspective on Accreditation*, American Association for Higher Education, Washington, D.C., 1972, p. 57.

45. The founding associations were the National Association of State Universities, the Association of Land-Grant Colleges and Universities, the Association of Urban Universities, the Association of American Universities, and the Association of American Colleges. By 1973, when additional changes in the NCA governance were in process, the American Association of Community and Junior Colleges and the Association of Governing Boards of Universities and Colleges had been added and the first two associations had changed their names to the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges.

46. "The acts, rulings, and recommendations of the Board of Commissioners with respect to accrediting shall not be binding upon the individual Institutional Members, whose freedom of action and self-governance shall remain inviolate. Nevertheless, all Member Institutions accepting these Bylaws do obligate themselves to consult with and inform the Commission before undertaking action contrary to the rulings and recommendations of the Board" (Article III, Sec. 6, *Bylaws*, National Commission on Accrediting, April 1971).

47. Report of a meeting with Zook as related by Gustavson to an NCA subcommittee, June 8, 1949 (National Commission on Accrediting minutes of that date, p. 17).

48. *Cf.* J.B. Lon Hefferlin: "Occasionally...the Commission has been subject to the criticism that it weighs more heavily the interests of accrediting agencies than those of its institutional members. It is true, as the history of the regulatory agencies of the federal government shows, that any regulatory body, including the Commission, may in time tend to represent the interests of those it was created to regulate" ("The Past, A Historical Sketch," in *The Past and the Future*, National Commission on Accrediting, Washington, D.C. April 1965, p. 9).

49. William K. Selden, "The National Commission on Accrediting: Its Next Mission," *The Educational Record*, April 1957, pp. 2-3.

50. National Commission on Accrediting, minutes of January 6, 1952 meeting of executive committee and of June 28, 1952 NCA meeting.

51. Fred O. Pinkham, November 7, 1952 letter to commission members.

52. Matthew W. Finkin, "Federal Reliance on Voluntary Accreditation: The Power to Recognize as the Power to Regulate," *Journal of Law and Education*, July 1973, p. 348.

53. Fred O. Pinkham, letter of July 24, 1952 to Commissioner Earl J. McGrath.

54. Minutes of NCA executive committee meeting, January 14, 1955.

55. J.B. Lon Hefferlin, op. cit., pp. 6-7.

56. Louis G. Geiger, Voluntary Accreditation. A History of the North Central Association, 1945-1970, North Central Association of Colleges and Secondary Schools, Menasha, Wisconsin, 1970, p. 71.

57. Theresa Birch Wilkins, Accredited Higher Institutions, 1952, U.S. Office of Education, 1952, p. 2.

58. Geiger, ibid.

59. Geiger, pp. 70-1.

60. Quoted in Henry Hill, "The Role of the National Commission on Accrediting as It Relates to the Six Regional Accrediting Associations and the Federation." in The Role and Function of the National Commission on Accrediting, NCA, Washington, D.C. 1966, p. 33.

61. Claude E. Puffer et al., Regional Accreditation of Institutions of Higher Education, Federation of Regional Accrediting Commissions of Higher Education, Chicago, July 1970 (offset), Vol. I, pp. 266-7.

62. Claude E. Puffer, op. cit., p. v.

63. See Claude E. Puffer, A Summary of a Report on Institutional Accreditation in Higher Education, Federation of Regional Accrediting Commissions of Higher Education, Chicago, November 1970.

64. News Release, Federation of Regional Accrediting Commissions of Higher Education, Chicago, October 21, 1971.

65. H.H. Katz, A State of the Art Study on the Independent Private School Industry in the State of Illinois, State of Illinois Advisory Council on Vocational Education, Springfield, May 1973, p. 154.

C. The Office of Education

Summary

Throughout most of its history, the Office of Education's involvement with private accrediting was confined largely to the issuance of statistical reports and lists of accredited institutions. To a greater extent than is commonly appreciated, the definitions and classifications employed helped to shape the changing conception of the institutions and accrediting agencies recognized as legitimate in a given period. The first formal criteria for determining which lists of accrediting agencies would be included in the OE directory, published in 1948, foreshadowed the criteria issued by the Commissioner of Education in 1952 pursuant to Public Law 82-550. This Veterans Readjustment Assistance Act, designed to reduce abuses of veterans' educational benefits, particularly by proprietary schools, required the the commissioner to publish a list of the accrediting agencies which he regarded as "reliable authority" on the quality of training offered. Perceptive proprietary school representatives had a hand in writing that portion of the law and, no sooner was it passed, when the Accrediting Commission for Business Schools applied for recognition. Other educational and professional interests have likewise lobbied for the provisions in subsequent statutes which increasingly set accreditation by agencies recognized by the commissioner as one condition of eligibility for federal programs. Thus the list of recognized agencies acquired an increasing importance in determining the institutions which could qualify for federal funds. Legislation extending loans to students at vocational schools led in 1965 to a marked increase in requests for recognition by agencies accrediting these schools and, before long, to the formation of policies, procedures, and staff for the quasi-regulation of accrediting agencies.

One way or another, the Office [earlier, Bureau] of Education has been involved in accrediting affairs since its formation in 1867. With certain exceptions, its involvement consisted of providing services, such as the publication of lists and statistics, considered lowly enough functions to be entrusted to government staff. Nonetheless, these lists have exerted marked influence in defining and shaping our ideas about what are, and are not, genuine "higher" educational institutions.

Since 1952, the Commissioner of Education has been required under various statutes to maintain a list of accrediting agencies which he determines to be "reliable authority as to the quality of training offered by an educational institution," as well as lists of state agencies which he has recognized for more limited purposes. Since 1968, a quantum jump has occurred in the Office's activities in reviewing accrediting agencies. The Office has come increasingly to exercise with respect to accrediting agencies a regulatory function which resembles that of other government regulatory bodies.

The Directories of Accredited Institutions

The listing of 369 collegiate institutions in the 1870 report of the Commissioner of Education, and the need, in order to prepare that list, to define a "college," has already been mentioned. These lists were issued periodically and, by 1910, included 602 institutions "some of which," it was observed in 1936, "were obviously not colleges as the term is used now."[1]

A modest revision--requiring a "college" to award degrees or to offer at least two years of college-level work, and to enroll at least twenty students--reduced the number to 563 in 1915.

Commissioners often spoke out about the indiscriminate growth of colleges, which led to a waste of limited resources, and about their failure to label their offerings accurately, which confused and misguided students and the public. Kendric Babcock, the Bureau of Education's first higher education specialist, wrote in 1912 that "To deny that the term [college] is fully applicable to any institution calling itself a college is to offer serious affront to individuals connected with the institution . . . . Yet definition . . . is absolutely necessary if an insitution is to deal honestly with the great public . . . [and] students . . . ."[2]

It is one thing to speak in such general terms; it is another thing to name names. Babcock attempted to be as good as his word. At the request of the Association of American Universitites, he prepared a list designed to identify the colleges whose students had greater or lesser subsequent success in graduate school.

> The actual records of students in the various graduate schools were examined, and colleges were classified on the basis of the success of their graduates in courses leading to the Master's degree. Those colleges whose graduates secured the Master's degree after a single year of study were rated as in Class I, and so on to Class IV, which included those institutions whose graduates were found to be totally unprepared to do graduate work.[3]

Galleys of the report, which classified 344 institutions into four groups with only 17 percent in Group I, were mailed in November 1912 to graduate and professional school deans for comment and correction. Newspapers broke the story and the offended institutions raised such a howl that publication was suspended at the instruction of President William Taft. When Woodrow Wilson took office in 1913, the AAU officially asked him to release the report but he refused. As has been noted, the substance of the report was later issued by the AAU under Babcock's direction, after he left the Bureau to become dean at the University of Illinois. The restraints on Babcock and Wilson, as government officials, and their greater freedom as private citizens remain highly instructive. One would hardly expect Wilson to suppress such a publication in his capacity as a distinguished private scholar and participant in AAU affairs, while president of Princeton.

Subsequent activities of the Office of Education in the area of accreditation consisted for long years mainly in the reporting of the accreditation of institutions of higher education in two recurrent series: the annual Education Directory (Part 3): Higher Education and Accredited Higher Institutions, issued at approximately four-year intervals from 1917 through 1965. Twelve editions of the latter and two or more supplements were published. To compile them, the staff had to decide which agencies' lists should and should not be included. In effect, that judgment constituted an early and informal kind of "recognition" of the type that, since 1968, has grown more formalized and become the basis of the Office's de facto regulation of accrediting agencies.

Early volumes devoted far more space to the lists of institutions "accredited" by state universities and state departments of education than by private agencies, though, in time, the number and size of the private lists grew. (In the 1956 edition, an editorial decision not to repeat, in the lists of institutions "accredited" by state agencies, those which were already listed as accredited by private agencies now formally recognized by the Commissioner, drastically reduced the size of the state lists.) Also included were the lists of institutions belonging to certain associations which made no pretense of accrediting. Thus, the 1917 volume contained the lists of institutions "accredited" by state universities in sixteen states; of institutions "accredited," approved, or registered by departments of education in thirty-one states; of institutions accredited by the Association of American Universities and the North Central and Southern associations; institutions participating in the retirement program of the Carnegie Foundation for the Advancement of Teaching; and members of the Association of American Colleges. This volume included lists only of nonsectarian agencies, but in 1922, the lists of four religious bodies were added: the Catholic Education Association, and the education boards of the Methodist Episcopal Church, the Presbyterian Church, and the United Brethren in Christ.

The introductions to early directories commented on the usefulness of efforts to classify and standardize different kinds of institutions and called attention to the varying quality of different lists--without, however, identifying those which had been prepared with greater, or lesser, care. Thus, in the 1922 volume, Zook observed:

> A large number of agencies are now attempting, for urgent official reasons, to pass on the standing of higher institutions....A great variety of standards is applied. The criteria imposed by some of the classifying organizations constitute real tests of collegiate resources....The basis for classification reported by several of the classifying agencies, on the other hand, is very vague. The person who has intimate knowledge of many colleges may believe that a few of the lists have been framed partly by guesswork....There is a tendency for a local standardizing agency...to include by courtesy...all colleges in its district.

In 1930, the introduction noted that "Accrediting...may be an evil, but it appears to be a necessary one." The 1928 directory had added for the first time lists of five professional accrediting agencies; by 1934, the number had grown to fourteen and by 1944, twenty-two.

This growth posed increased problems of choice and the Office, in consultation with the Committee on Accrediting Procedures of the American Council on Education, prepared a statement on "Criteria for Recognition of Accrediting Agencies" which appeared in the 1948 directory with the explanation that: "In recent years there has been extensive criticism of accreditation, particularly with reference to the increasing number of accrediting agencies and the tendency to accredit individual departmental fields of study in addition to professional schools and colleges. New accrediting agencies, however, are still being organized and are requesting recognition." Accordingly, the following criteria would govern the inclusion of additional agencies in future issues of the directory:

Criteria for Recognition of Accrediting Agencies by the Office of Education

(Prepared in consultation with the Committee on Accrediting Procedures of the American Council on Education)

I. The accrediting agency should have published criteria for recognizing institutions, and a published list of recognized institutions.

II. Among other criteria for recognition of institutions, the agency should include:
   A. A student body beyond twelfth-grade level;
   B. A faculty with advanced training sufficient for a postsecondary-school program;
   C. Financial resources sufficient to provide a stable basis for operation;
   D. Institution legally authorized within its own State to provide a program of higher education;

E. Institution's program shall be in operation for long enough time to permit a reasonably critical judgment of its program;

F. The minimum length of a program for recognition shall be at least 2 academic years beyond the high school.

III. Admission to the accredited list should be based on a visit and a report concerning the institution by competent examiners

IV. The agency should have an adequate and systematic means of checking up on those institutions it has recognized, to see that they continue to maintain programs of satisfactory qualit

V. To be recognized an agency should have been in operation for at least 3 years since the time of its first published list of institutions.

VI. In principle the Office of Education should recognize only one accrediting agency in any given professional field.[4]

Thus, the mundane need to screen accrediting agencies for inclusion in a directory led to the development of criteria for their recognition several years before comparable criteria were required of the Commissioner of Education in 1952 under Public Law 550, The Veterans Readjustment Assistance Act.

The 1952 directory apparently went to press before enactment of P.L. 550 in July, for the introduction noted the formation of the National Commission on Accrediting and stated that "Associations seeking recognition are now referred to the National Commission of Accrediting." In the AIES file copy, someone crossed out this sentence and wrote in the margin "Before P.L. 550." But, as we have seen, NCA was, in fact, asked to prepare the 1952 list, agreed, and then, finding the task in conflict with its unresolved fight to stamp out independent professional accrediting, withdrew.

The agencies formally recognized by the Commissioner in the list published in the Federal Register of October 4, 1952 (reproduced in an appendix) to meet the requirements of Section 253 of that law were identical with those already recognized informally by inclusion in the 1952 directory, and (except for the amalgamation of three agencies which had formerly accredited schools of nursing and the addition of the National Association of Chiropodists), identical with those included in the 1948 directory.

Accredited Higher Institutions, 1964, which appeared in 1965, proved to be the last of that series. Work underway on the next edition was cancelled in the spring of 1969 as part of the program reorientation that followed the establishment of the Accreditation and Institutional Eligibility Staff in the previous year. The plan was to replace the quadrennial directory with an annual, computer-produced directory of accredited postsecondary institutions. However, relations between the Office and its computers have been strained. When it finally appeared in 1971, Accredited Postsecondary Institutions and Programs was hand-produced. It was confined to the lists of private accrediting agencies recognized by the commissioner, omitting institutions approved by state agencies (other than higher educational institutions registered by the New York Regents). The directory did not even list the programs approved by seven state boards of nursing recognized by the commissioner, although listing schools accredited by the National League for Nursing. Gone too were the quaint and slovenly lists in the early directories--membership lists of educational associations and schools approved by church boards. Accrediting was to be shaped up as a purely private activity.

A Little Lobbying

Explanations differ as to why accreditation by agencies recognized by the Commissioner of Education became one condition of eligibility in so much educational legislation since 1952. Legislation is often drafted hurriedly and, since "accreditation" sounds good, the provision is, an old Washington hand suggests, carried over, in boiler plate, from one act to another, without any special administrative or political rationale. A former Congressional staff member believes that "Accreditation is a beautiful escape hatch for the Congress. Everybody is a little suspicious of [its]...effectiveness, but they don't want to look too closely at it... because they don't have a good substitute...." Most legislators do not really know what accreditation means, a ranking official at the Office of Education remarked in an interview. If there is considerable truth in such remarks, it merely puts accreditation in a class with other technical matters about which Congressmen legislate without special expertise. The expertise is supplied by their staff, the staff of the executive, and lobbyists and spokesmen for the constituencies affected by prospective legislation.

Many accrediting agency staff disdain responsibility for the statutory references to accreditation and there is little reason to question their honesty, since the link with eligibility has brought costs as well as benefits (the balance varies with the agency) and they are supremely ambivalent about it. "Why is the accreditation provision in legislation?" asked one staff man who, in fact, had a hand in putting it there. "Because the [HEW] bureaucrats want it, not because the accrediting agencies want it."

Nonetheless, most agencies probably prefer the ills they know to those that might arise were accreditation no longer linked to eligibility. Even the scattered available evidence shows that certain accrediting forces have lobbied for favorable eligibility language and that the resultant statutory provisions often represent the outcome not of boiler plate, but of deliberate political calculations.

The forces behind the provisions in P.L. 550 are fairly clear: the wish to do something to check the abuses under the 1944 G.I. Bill and by bringing the Office of Education into the act, to add to its administration an element of educational competence and contacts with established educational circles which that agency enjoyed and the Veterans Administration lacked. The inclusion of accreditation as an optional condition of eligibility also set a pattern followed by subsequent legislation. The optional aspect was of special significance to the proprietary school sector, in which the gravest (or best known) abuses had occurred and in which accreditation was then too thinly established for a compulsory requirement to be conceivable. Optional, not mandatory, the provision did not permanently resolve the difficult problems of determining how best to grant or deny eligibility to the thousands of proprietary schools which open and close, change hands, remodel, and restock their wares seasonally like haberdasheries. It set the administrative stage upon which the battle for and against the acceptance of accreditation by veterans approving agencies would be fought until the present day. Nonetheless, the opportunity to link accreditation, on a state by state basis, with a school's eligibility for veterans' educational benefits was sufficient to lead proprietary school interests to lobby for the "recognized agency" provision in P.L. 550. Bernard Ehrlich, counsel for several agencies accrediting proprietary schools, helped to write this provision.

P.L. 550, a proprietary school spokesman pointed out, put the commissioner in the position where "he had to give reasons for not approving an agency." Not long after, the Accrediting Commission for Business Schools, for which Ehrlich was then counsel, applied for recognition by the commissioner and, after its application was twice rejected on what its representatives felt were "trivial" grounds, became in 1956 the first agency accrediting proprietary schools to be recognized. The National Home Study Council, whose members have enrolled many veterans in correspondence courses, became the second, in 1959.

Higher educational groups are not above lobbying for their interests; the American Council on Education was, reputedly, responsible for much of the accreditation language in the 1963 and 1965 Higher Education Acts. However, it may well be that the more entrenched the interest, the less is it felt to be necessary to campaign vigorously for it. Much of the lobbying mentioned in the public record and in interviews was on behalf of interests not firmly established.

Contrariwise, the "three-letter" rule (enabling unaccredited colleges to become eligible if their credit has been accepted by three accredited institutions) was reportedly first inserted in the National Defense Education Act of 1958 on behalf of orthodox Jewish and Greek schools, and older, smaller, but serious and honest private colleges which remained unaccredited partly because of their weak finances, and remained financially weak partly because they were unaccredited. The cause of the orthodox schools was helped by New York legislators; the cause of the small colleges by, among others, Senator Jennings Randolph of West Virginia, the state of Salem College, whose president, K. Duane Hurley, organized in 1956 the Council for the Advancement of Small

Colleges. "The majority of the presidents of these...[colleges] desire a relaxation of the accreditation requirements; satisfying the conditions for a listing in Part 3 of the Education Directory would be aggreeable to them ...[or] an alternative plan, involving the development of pre-accreditation randing...." wrote one observer in 1967.[5]

The three-letter device had been used to qualify unaccredited institutions for inclusion in the OE higher education directory; the second alternative, incorporated in 1963 and 1965 legislation, rendered "developing institutions" eligible for assistance upon a determination that there was "satisfactory" or "reasonable" assurance of their subsequent accreditation. In the Marjorie Webster case, the regionals' agreement to provide such assurance was entered as evidence that they were agents of the government. However, they did not seek the responsibility; according to a well qualified source, they were not even consulted about it. But neither did they ask the Congress, then or subsequently, to withdraw it. They finally agreed to assume it only when it was made clear, not as a threat but as a statement of fact, that, if they did not, OE would, under the law, itself be obliged to make these determinations.[6]

To look at the matter crassly, a tie between federal program eligibility and accreditation may serve a defensive purpose for accrediting agencies that, like the regionals, have already occupied most of the educational territory envisaged in their charter; but it can help younger agencies to occupy sooner more territory than they might otherwise have gained. On that calculation, it is the agencies which have the greatest opportunity to expand as a result of recognition by the commissioner which might be expected to strive hardest to obtain it, by lobbying, and to maintain it thereafter, by obedience.

But little is simple in either accrediting or the politics of it, for the evident advantage of getting federal money by getting on the commissioner's list is overlain by the traditional conflicts of accrediting forces, particularly conflicts over jurisdiction and power, conflicts between institutional and specialized agencies, and between state approving and private accrediting agencies. The latter two sets of conflicts have led to some fierce legislative fights.

One of the fiercest involved the basis of eligibility under the Nurse Training Act of 1964. The health side of the Department of Health, Education, and Welfare is often more favorably disposed to professional accrediting agencies than is the education side, and each has good and understandable reasons for its position. In the case of the prospective legislation to increase the supply of nurses, some senior health manpower officials believed that neither professional nor institutional accreditatio was adequate to serve the public interest. Too few programs then met the standards of the National League for Nursing to train the number of nurses which the nation needed; however, professional standards could be seriously eroded if eligibility were open to all nurse training programs at regionally accredited institutions or approved by state boards of nursing. As one health official saw it, the "enormous pressure" to open up the latter two avenues of eligibility threatened to destroy the value of professional accreditation as a means of educational quality control. In these circumstances, he opposed any reference to accreditation in the legislation, believing that the best way to contain political pressures while maintaining professional standards was by a peer-review of training grant applications comparable to that employed in research grant programs.

However, that proposal lost out in the legislative process and the Nurse Training Act of 1964 limited financial assistance to programs accredited, or with a reasonable assurance of accreditation, by the National League for Nursing. To be more precise, the act limited assistance to nurse training programs accredited by an agency recognized by the Commissioner of Education; and, after consulting representatives of the regional commissions and determining that their accreditation did not satisfy the requirements of the law, Commissioner Keppel felt obliged to designate NLN as the agency which satisfied those requirements.[7]

The decision had grave consequences for junior colleges. By 1964, NLN had accredited about 70 percent of nursing programs offering a bachelor's degree and 60 percent of those offering a diploma, but only 3 of 119 associate degree programs in junior colleges. Universities had failed to stop the inroads of professional accrediting and the resistance of four-year colleges was weakening, but junior college presidents came fresh to the war which had raged for fifty years. In Florida, to stop NLN accrediting which had been sought by many nursing students and faculty, for some years junior colleges were barred from paying dues to a professional accrediting agency. Meeting in Tallahassee on December 11, 1964, the state Junior College Presidents' Council reaffirmed an earlier resolution to oppose all professional accreditation or pre-accreditation and to rely on "state and regional accreditation as reasonable assurance of minimum quality in all programs of a junior college." The resolution was endorsed on December 15 by the State Junior College Board.[8]

Full accreditation then cost $1,000 per college, but preaccreditation, which would meet the requirements of the Nurse Training Act, was offered at the bargain rate of $100. Nationally, many junior colleges took advantage of the preaccreditation provision but only six had received full NLN accreditation by November 1966.[9] The American Association of Junior Colleges mounted a drive, led by Florida Representative Paul Rogers, to extend eligibility to regionally accredited institutions. A 1967 report observed that

> ...the AAJC has conducted a vigorous...campaign to overthrow the Commissioner's original design. In this effort, the Association has demonstrated one of the most effective and respected lobbying mechanisms in Washington. This has been a reflection partly of the political sophistication of the staff of the AAJC and partly of the identity of interests between Congress and the junior colleges .... members of Congress are concerned that only a small number of institutions would be eligible to receive federal funds...if the NLN's determinations continue to be recognized exclusively.[5]

The outcome was the amended act of August 1968, which rendered eligible nurse training programs at regionally accredited institutions or those approved by state boards of nursing recognized for this purpose by the commissioner. The new terms, it was estimated, would "make it possible for some 500 previously excluded nursing programs to participate in the benefits of the Act."[10]

In the foregoing episode, the Florida junior college presidents endorsed eligibility by either regional accreditation or state board approval, and both alternatives were eventually incorporated into the law. However, whatever may have been said in private, the American Association of Junior Colleges publicly endorsed only the regional accreditation provision. As a constituent member of the National Commission on Accrediting, it presumably agreed with, or would not publicly disagree with, NCA's repeated declarations against the national recognition of state boards to set standards for programs of professional education. The Commissioner of Education had received authority, in 1965 amendments to the 1964 act, to accredit worthy, unaccredited nursing schools. In reporting out the amendments, Senator Lister Hill had stated: "It is not the intention of the committee to encourage Federal accreditation of nursing schools on a massive scale. But it is recognized that some excellent programs of nursing may not now participate under the Nurse Training Act because they are not accredited."[11]

A patron saint of the National Institutes of Health, Hill probably reflected the views of its leadership; had the measure been administered by NIH, we were informed, a selective number of unaccredited schools would have been declared eligible, with the help of an advisory committee. But OE officials shrank from such stern judgments; thus, they granted eligibility first to too few schools and then to too many. Junior colleges have been such latecomers to the accepted world of higher education, their vocational emphasis having set them apart from traditional liberal arts colleges, that they have not been warmly welcomed by all of the regionals. Hence it is not surprising to find them, at times, advocating state approval as an alternative to accreditation for federal program eligibility.

In the Education Amendments of 1972, the fight between state and private agencies came to a head in Minnesota, a state in the jurisdiction of the North Central Association which, in the fall of 1972, had accredited a smaller proportion of junior colleges than any other region. Under the terms (or OE's interpretation) of previous legislation, students could have half their NDEA loans forgiven if they subsequently taught in accredited junior colleges. Though state officials were proud of the standards of these colleges many remained unaccredited and to obtain accreditation would cost the state thousands of dollars. Pride and parsimony stirred such a sense of outrage that the officials became the leaders of a movement which enlisted the support of Minnesota Senator Walter Mondale. The culmination was the "Mondale Amendment" of the 1972 law, under which public postsecondary vocational institutions approved by recognized state agencies became eligible for federal student aid. Whereas in 1968, the regional associations gained more ground from the National League for Nursing than they have yet lost to state nursing boards (only seven state boards had been recognized by the commissioner as of 1973), under the 1972 law, the regionals gained nothing to compensate them for what may become extensive eligibility losses to state boards. At one 1972 meeting, accrediting agency staff were much disturbed at this development. By 1973, even strong critics of the parochialism of accrediting agencies expressed dismay at the damage the broadening of eligibility could do to the entire structure of regional and national accreditation.

However, matters could have been worse. As originally drafted, the Mondale Amendment conferred upon recognized state agencies the power to determine the eligibility of private as well as public institutions. According to a sergeant in the front line of battle, the accrediting agencies "went wild" over that prospect; "the lobbying against it was terrific." Richard Fulton, general counsel of the United Business Schools Association, is credited with having the word "private" deleted and thus--pending future legislative battles--confining to public vocational institutions the states' beachhead in eligibility determinations.

OE Staff and Advisory Committees

As accreditation became a more common means of federal eligibility and the commissioner's recognition of an agency led not merely to the listing of its schools in a directory but to their eligibility, or potential eligibility, for funds, the process by which recognition was granted grew more formalized and took more time of more people.

After passage of P.L. 550 in 1952 and the publication of more detailed criteria in the Federal Register, an internal committee was established to review applications and directory problems; some years later, several private members were added. In principle, the commissioner's recognition was restricted to the scope of an agency's accrediting at the time of recognition and an agency which subsequently expanded its scope was supposed to request recognition for the new activity. Little was done to enforce the requirement (it is probably still enforced in the breach as much as the observance, due to the lack of timely information or the request for expanded recognition) or to review recognized agencies periodically.

Thus, when the American Association of Nurse Anesthetists applied for recognition so that Korean veterans could qualify for benefits at their schools, OE staff visited their office and studied their procedures. After being recognized by Commissioner Brownell in 1955, they had little further contact with OE until 1972, when they were reviewed for the first time under the new era of the Accreditation and Institutional Eligibility Staff. That seems to have been characteristic for most agencies recognized during the old era, from 1952 to 1968. Those on the original 1952 list had been examined, if at all, only to see if they merited inclusion in the quadrennial directory. Those added subsequently were examined against the new criteria issued in October 1952. Recognition might thereupon follow quickly, as with AANA, or after much delay--four years, for the accrediting commissions for proprietary business and home study schools, which applied in 1952 and 1955 respectively. OE staff had to satisfy themselves that the criteria had been met and (we imagine but cannot prove) that the newcomers were not positively disgraceful and could decently be seated in the company of established agencies accrediting higher educational institutions and programs.

The 1958 National Defense Education Act gave the commissioner power to make an unaccredited higher educational institution eligible for student loans by the direct determination of an advisory committee that an institution met prescribed quality standards. "Up to this time, "wrote Allan Cartter in 1966, "the Commissioner has not used the advisory committee privilege, and it is evidently the hope of the Office of Education that he will not have to do so."[12] It has remained the policy of successive commissioners to avoid direct eligibility determinations requiring a judgment of the quality of individual institutions.

The policy reflects an instinctive technical and political wisdom. Technically, the judgment of institutional quality at the margin is fallible and subjective; politically, it is risky, since each institution (which can investigate its case far more intensively than distant government staff) can readily find grounds to question an adverse judgment, to show that another institution no better than it has been found eligible, to detect substantive and procedural staff errors, and to bring all this information to the attention of state congressmen. Hence, OE staff have routinely made eligibility judgments only for foreign institutions, which they may know less about but which are unlikely to protest an adverse decision and mercifully do not have congressmen.

Much as OE has wanted to rely solely on accrediting agencies, that has not been possible for two reasons: accrediting has not been available to many insititutions, especially postsecondary vocational schools; and the operations of many agencies have been visibly flawed and vulnerable to legal attack, in which OE can readily be embroiled. Since 1966, increased use has been made of the advisory committee mechanism to cope with both of these defects of the private accrediting system: to throw a temporary bridge across the vocational school gap until the plodding accrediting agencies could erect a more permanent structure; and to seek to cover the more nakedly embarrassing features of agency operations with enough cloth of competence, equity, and public interest to be presentable in public or a court of law.

In the mid-1960s, the comfortable obscurity in which the recogniition and eligibility proccess had languished was broken by a succession of events which forced the office from the tidy pastures of higher education into the marshes of vocational education. We have already mentioned the battle of the Nurse Training Act which raged from 1964 through 1968. The commissioner, senior departmental officials, and the congress were repeatedly embroiled in the battle between specialized and institutional accrediting agencies.

It was the Higher Education Act and especially the National Vocational Student Loan Insurance Act of 1965 which launched OE into its current quasi-regulatory posture *vis-à-vis* recognized accrediting agencies. The acts presented OE with a whole range of new programs and new types of institutions eligible for support, including community colleges and technical institutes below the bachelor degree level, and postsecondary proprietary schools, which, if accredited, became eligible for insured student loans.

Until then, the Accrediting Commission for Business Schools had accredited some 225 schools; afterward, an informant recalled, "the institutions began to line up to get accredited."

During House hearings, warnings were issued about the inadequacy of accreditation to cope with vocational education, which was poorly served by regional and national agencies and--the secret is still well kept --often so unstable as to render accreditation meaningless.

> The American Personnel and Guidance Association and the American Vocational Association called for a study of the problems of accrediting vocational and technical schools and the American School Counselor Association encouraged strengthening the Commissioner's authority "in determining nationally recognized accrediting agencies in business, technical and trade institutions" pointing out that counselors have had "considerable difficulty knowing in many cases, the adequacy of the training advertised."[13]

The warnings were warranted. OE officials found themselves confronted by all the problems that had beset the Veterans Administration for two decades. In December 1972, over 8,000 domestic and foreign institutions were eligible for insured loans--more than for veterans benefits--and the number was growing. No system which must determine the eligibility of that many institutions can be without problems.

In August 1966, an ad hoc advisory committee was convened to help the office with some of these problems. Frank Dickey, executive director of the National Commission on Accrediting, was chairman; the four other members were Lowell Burkett, executive secretary of the American Vocational Association; Samuel Martin, provost of the University of Florida health center; Orin Cornett, vice president of Gallaudet; and Sebastian Martorana, dean of the State University of New York for two-year colleges; the last two were former OE officials.

An Advisory Committee for the Evaluation of Training in Vocational Schools, authorized by the Vocational Education Act of 1963 to assist the commissioner in rendering unaccredited vocational schools eligible, was also, strangely, convened for the first time in February 1967. Did the two separate committees represent two separate forces outside and within the office, the higher educational favoring a more exclusive reliance on accreditation and the vocational, an alternative reliance on state approval? Both committees were chaired by Dickey but the vocational school committee included at least two state officials with long experience in approving courses for veterans--John Leslie of New York and Herbert Summers of California. The vocational committee met several times and went into hibernation in 1968 (it was not formally abolished until 1972), when the new Advisory Committee on Accreditation and Institutional Eligibility, also chaired by Dickey, was established.

In opening the February 1967 meeting, Associate Commissioner Peter Muirhead challenged the committee "to 'develop innovative ways' of establishing eligibility, devoid of conflict with accreditation, until such times as the vocational institutions can establish recognized accreditation agencies sufficiently comprehensive in scope so as to provide access to accreditation routes to program eligibility for institutions of all types."[14]

The committee was troubled over the Higher Education Act's insistence on institutional eligibility, a concept deriving from the stable world of regional accreditation, which, Summers and Leslie observed, was simply inapplicable to vocational courses. After the meeting, Dickey put the problem to Commissioner Harold Howe in a letter:

> The Committee...have encountered real difficulty in determining "institutional eligibility" of a vocational school when "course approval" traditionally has been the procedure utilized in evaluating vocational education. "Institutional eligibility," as required by the Act, is the conventional designation of higher education....The various accrediting agencies which function in the area of vocational education are certainly program oriented. Similarly, the various State approval agencies approve courses rather than institutions.
>
> ....Vocational education, dominated by proprietary institutions, is responsive to the needs and desires of the community they serve. They add and delete courses and programs at a rate completely foreign to the academic community....In short, the nature of these institutions seems to dictate a vital need for new modes of administrative thinking....The Committee earnestly solicits your critical appraisal and comments.

However, that got the committee nowhere, for Howe replied that he was looking to them "to provide the best solutions to the multitudinous problems inherent in...this Act."[15]

In the fall of 1968, this issue was formally resolved when, upon the recommendation of the new AIES advisory committee, the commissioner adopted the following:

> Policy of the Office of Education concerning the conflict between the concept of "Institutional Eligibility" and the procedure of "Course approval" or accreditation in vocational education.
>
> Institutional accreditation shall be sufficient to establish eligibility at this time, but this subject should be considered again at a later date, as developments warrant.[16]

That was a clear transference of the idea (or myth) of institutional integrity from an area in which it was accepted to one in which it was not.

The vocational advisory committee did what it was asked to do, which was to provide a breathing spell during which accrediting agencies might embrace vocational education. Based upon a staff survey of the regulation of private vocational schools in the fifty states,

> The approval criteria employed by [19] State agencies, as they assessed private vocational schools, were deemed sufficiently acceptable by the Committee so that schools subjected to such procedures should be given heavy weight in the consideration of their eligibility under the insured loan program for vocational students....It is anticipated that this decision will nearly double the "universe" of eligible schools for the purposes of the vocational loan program, from 3,500 to about 7,000 institutions...[or] about half of the estimated 15,000 vocational schools in the United States.[17]

This action did not constitute formal or continuing approval of any state agency, but merely co-opted the work of some state agencies to extend eligibility to their schools for a limited period. Committee members and OE staff were concerned not to give the states approval so firm that it might handicap the spread of private accrediting which they wished to encourage:

> The effect upon existing accreditation agencies, both regional and professional, were discussed...._____.... emphasized the need for encouraging the growth and development of sound accrediting groups...._____joined... in expressing fear that the acceptance of [state] agency approval could "discourage the efforts of new, and even yet undeveloped, accrediting groups," making specific reference to the National Association of Trade and Technical Schools.[18]

In December 1967, the committee similarly co-opted the work of the boards of cosmetology and barber schools in 22 states and the District of Columbia. Their approval was to be given "heavy weight" in determining a school's eligibility; in addition, "eligibility criteria for individual schools would include a satisfactory financial statement and a satisfactory refund policy." Special standards were prescribed for flight training schools, including approval by both the Federal Aviation Agency and the veterans approving agencies.

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The committee recognized the injustice of offering no avenue of eligibility to such nondegree schools as art, music, drama, and those training medical assistants which had no access to accreditation and were located in states whose approval procedures were not acceptable. However, the committee reaffirmed that it did not want to review individual schools and "directed" the staff to suggest ways by which it could approve groups of schools in excluded states.[19] That was directing the staff to solve an insoluble problem.

We have given this detailed account of the alternatives considered by the committee because the same alternatives are available today. OE has sought to encourage and discipline accrediting agencies so that they could be relied upon for the government's eligibility purposes. Plainly, the effort has not succeeded enough to dampen criticism. No single or several means of screening and monitoring the quality and probity of over ten thousand postsecondary "schools" (many are not sufficiently durable to merit that label) can be consistent, equitable, reliable, politic, timely, and economic, all at once. The only real choice is a choice among evils; what is worse, the full extent of the evils cannot be known until they are tried.

Formation of AIES

After passage of the 1965 vocational student loan act, an OE official recalled, staff began receiving calls from lawyers and Congressmen about accrediting agencies which had applied for recognition""and when are you going to do something about it?" Little had been done to formalize the procedures for recognition. An Accrediting Review Committee was formed with five government and five private members which met for the first time in November 1966, examined a number of applications, and recognized one, the National Association of Schools of Art.

A great flurry of activity and pressure ensued on behalf of agencies whose applications had been deferred or denied. At its second meeting in July 1967, the committee received representatives from the National Association for Practical Nurse Education and Service and the National Association of Trade and Technical Schools, which were both recognized for a two-year period, and from the Accrediting Commission for Business Schools, which contested the recognition of NATTS for data processing programs. ACBS was granted jurisdiction over these programs in business schools and NATTS, in trade and technical schools.

The committee was much concerned about the adequacy of the commissioner's criteria, prepared in 1952 primarily with higher educational agencies in mind, for proprietary and vocational school agencies. It was also troubled about the dangers of recognizing agencies on the 1952 list in seeming perpetuity, without review. "[Commissioner] Howe felt like a man on stilts stuck in the mud," an OE staff member remarked--"and sometimes," Howe added in a letter, "I felt as if the stilts weren't long enough." A task force chaired by William Gescheider was set up by Howe to examine these problems.

Its recommendations were conveyed to the commissioner in a December 21, 1967 memorandum from associate commissioners Ralph Flynt and Peter Muirhead. The commissioner's recognition of accrediting agencies, they noted, was still based on criteria enunciated in 1952 and on ad hoc procedures "developed principally within the context of higher education";

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both the criteria and the procedures should be reexamined in light of the office's widely enlarged responsibilities; the need for adequate appeal procedures and for the periodic review of recognized agencies should also be considered. To deal with these matters, Flynt and Muirhead proposed the formation of an enlarged advisory committee served by a new staff unit.[20]

In May 1968 the Accreditation and Institutional Eligibility Staff was established in the Bureau of Higher Education by the amalgamation of two units dealing with eligibility and accreditation, respectively, and the addition of five positions (altogether, a staff of 17, in fiscal 1969). The first director, John Proffitt, had been assistant director of the National Commission on Accrediting. An Advisory Committee on Accreditation and Institutional Eligibility was formed at the same time. It was chaired by NCA director Frank Dickey and included Norman Burns, staff director of FRACHE and the North Central Commission, and seven others, four designated in one internal memorandum as "representatives of the higher education community"; two, as "representatives of professions and vocational associations"; and one, as a "representative of state government." The states were better represented on the advisory committee for vocational schools which, the OE press release said, would "work closely" with the new staff;[21] in fact, as noted, the committee was not reconvened and was terminated in 1972, opening up a political and communications gap between AIES and state vocational officials.

The work of AIES seemed, at first, an extension of NCA's--the ideas and even the individuals were the same--in its effort to strengthen and rationalize private accrediting. The fresh start, under the commanding auspices of the government, offered an opportunity for a

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larger union embracing not only professional but regional and vocational accrediting which NCA had not adequately encompassed. But what started as a cooperative venture to improve accreditation so that it could better serve the public interest soon become more ticklish. Cooperation became tinged with rivalry, candor with reserve, confidence with uncertainty, and friendship with a measure of fearfulness and hostility. For all of these feelings, there were good grounds.

AIES has not operated in a political vacuum. Its staff have contended with opponents and critics within the department as well as outside, and they have not always got their way. The internal bureaucracy has delayed and moderated action; the counsel's office, which interprets the statutes under which AIES operates and must defend the secretary and commissioner in court, if that is where they land, must sign off on new regulations. Some OE officials have felt that AIES interferes too much with the freedom of accrediting agencies. Others have viewed AIES as a spokesman for the accrediting establishment, an establishment unloved by many and one which staff in the office of the HEW Secretary have been trying to shake up.

The conflict between AIES and the secretary's office became manifest in 1970 when drastic changes were made in the composition of the AIES advisory committee. More precisely, the committee advised the commissioner, and AIES provided the committee and the commissioner with staff services. Members of the original committee were appointed before the 1968 election for two year terms which expired in June 1970. Their names were all submitted for reappointment--and all but three were stricken by the politically sophisticated citizens in the secretary's office. (Committee members have been chosen by mysterious means. Perhaps the final

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decision was made by a ouija board. Some political vetting has occurred. One candidate, annoyed at learning that his name was sent for clearance to the Republican committee in his home county, declined appointment.) It took a year to get agreement on the composition of the new committee, which met for the first time in June 1971. The new committee had more of a "public interest" and less of an establishment outlook. The number of members was raised to twelve; student, female, and black representatives were included, but no one (like Dickey or Burns) directly connected with private accrediting. However, supporters of private accrediting were represented, so that the committee found itself mortally divided. One faction identified the freedom of accrediting agencies with academic freedom and believed that the government should interfere with neither; the other identified accrediting with the irresponsible self-interest of conservative educational forces and believed that the government should either force accrediting agencies to serve the broader public interest or should stop relying on them for public purposes. As time went on, both factions held to, but moderated, their views.

The views of the critics in the HEW Secretary's office were made known in the fall of 1971 when the draft report on accrediting of the Newman task force, a privately funded group initiated by HEW Secretary Finch and chaired by Frank Newman of Stanford, spread throughout the accrediting community as fast as it could be reproduced. The report attacked regional and professional accrediting agencies as self-serving groups which were a bar to educational progress; it was, however, silent about the agencies accrediting proprietary schools. The government should, it said, no longer utilize accreditation to determine the eligibility of postsecondary institutions but should rely instead on institutional statements of disclosure akin to those required of corporations by the Securities and Exchange Commission.

Notes

1. George F. Zook and M.E. Hagerty, The Evaluation of Higher Institutions, I. Principles of Accrediting Higher Institutions, University of Chicago Press, 1936, p. 20.

2. See Jennings B. Sanders, "The United States Office of Education and Accreditation," in Lloyd E. Blauch, ed., Accreditation in Higher Education, Office of Education, 1959, p. 17.

3. Zook and Hagerty, op. cit., p. 21.

4. In Theresa Birch Wilkins, Accredited Higher Institutions, 1948, Office of Education, Federal Security Agency, 1949, pp. 2-3.

5. From an unpublished report prepared in 1967 that we may not identify more precisely.

6. October 17, 1973 letter from Orin Cornett, former Director of the OE Division of Higher Education.

7. "...the commissioner requested...the National Commission on Accrediting to convene a meeting of representatives of the American Association of Junior Colleges, ...the Federation of Regional Accrediting Commissions of Higher Education, the National League for Nursing, [and] the Nursing Division of the Public Health Service....

"In this meeting [on October 28, 1964], one after another of the agencies suggested by the junior-community college representatives was disqualified. For example, regional accrediting associations were unsatisfactory because...[of] a policy...that [they]...should not approve specific programs within an accredited institution. State agencies were not considered qualified because higher education generally has not sought accreditation by governmental agencies.... After the meeting the commissioner felt obliged to select the National League for Nursing..." (Thomas B. Merson, "The Crisis in Accreditation," Junior College Journal, February 1965, p. 7).

8. By July 1972, the board's position had weakened to permit any junior college "to request specialized accreditation...from any agency recognized by the national commission on accrediting [sic]: provided, however, such specialized accreditation shall be requested only for compelling reasons" (Florida State Board of Education Regulation 6 A-8.42, effective July 21, 1972, as reported by Prof. James L. Wattenbarger of the University of Florida, former executive secretary of the State Junior College Board, in a March 28, 1973 letter).

9. By January 1970, 107 associate degree programs were preaccredited and 88, fully accredited by NLN; many were in junior colleges.

10. Lloyd E. Messersmith and Leland L. Medsker, Accreditation of Vocational-Technical Curricula in Postsecondary Institutions, Center for Research and Development in Higher Education, University of California, Berkeley, 1969, p. 16.

11. Quoted in Allan M. Cartter, "Accreditation and the Federal Government," in The Role and Function of the National Commission on Accrediting, National Commission on Accrediting, Washington, D.C., 1966, p. 62.

12. Ibid., p. 61.

13. Cited by Matthew Finkin, "Federal Reliance on Voluntary Accreditation," Journal of Law & Education, July 1973, p. 360.

14. Walter J. Gale, "The Advisory Committee for the Evaluation of Training in Vocational Schools," Minutes, February 20-21, 1967.

15. Letter from Dickey to Howe and reply, April 25 and May 23, 1967.

16. Memorandum of the commissioner's actions on recommendations of the Advisory Committee on Accreditation and Institutional Eligibility, at its meeting of September 16-17, 1968.

17. Walter J. Gale, "Highlights - Meeting of Advisory Committee for the Evaluation of Training in Vocational Schools - May 8 and 9, 1967," May 22, 1967. This memorandum cited 16 State agencies whose procedures were acceptable to the committee; three more were added at the committee's next meeting in December.

18. Walter J. Gale, Minutes, February 20-21, 1967.

19. Ruth W. Crowley, "Highlights - Meeting of the Advisory Committee for the Evaluation of Training in Vocational Schools - December 14 and 15, 1967," January 3, 1968.

20. Memorandum on "Accreditation Review and Institutional Eligibility under OE Programs," from Ralph Flynt and Peter Muirhead to Mr. Harold Howe II, Commissioner of Education, December 21, 1967.

21. Press release, Office of Education, April 29, 1968.

D. The Era of Quasi-Regulation

Summary

Commission Harold Howe's establishment in 1968 of the Accreditation and Institutional Eligibility Staff (AIES) and an AIES Advisory Committee marked a quantum jump in OE's review and regulation of recognized accrediting agencies. As Frank Dickey, director of the National Commission on Accrediting, chaired the new committee and John Proffitt, who had been his deputy at NCA, became director of AIES, relations between OE and the accrediting establishment began in a spirit of cooperation. However, in 1970, Dickey's term expired and he was not reappointed. After a hitatus reflecting disagreements between staff and senior departmental officials, a new committee was appointed whose members were more critical of the capacity of accrediting agencies to serve the public interest; in the fall of 1971, the Newman task force in the office of the HEW Secretary sounded the same note. Bridling at this criticism and the unaccustomed scrutiny of AIES, the regional commissions, other (but by no means all) accrediting agencies, and NCA sounded the alarm of "government control."

Without doubt, OE has increased its power over accrediting agencies. By recognizing agencies accrediting proprietary and vocational education, it won a constituency NCA had spurned. It has represented a conception of accrediting more democratic and less selective than that of NCA.

The danger of government control is inherent in the commissioner's power to recognize, and to set conditions on the recognition of, accrediting agencies. Since no agency can possibly comply fully and constantly with the many detailed criteria for recognition, the government may investigate charges of noncompliance whenever it proves politically necessary or convenient, and the investigation can be as perfunctory or detailed as it wishes. Nonetheless, AIES has acted more as an ally than a policeman of the agencies. It has helped to strengthen their operations, which, weakly staffed and financed, have often been minor functions of the associations and institutions that sponsor them. It has said much about consumer protection and relied too much on accrediting agencies to provide it, when there is little evidence that the are willing or able to do so. It has shown little capacity for independent action on behalf of students. OE has promoted the fashionable doctrine of "free consumer choice" while doing little to render that choice informed and effective. Among the educational and accrediting policies which AIES has fostered are: educational "innovation," nondiscrimination, the accreditation of proprietary schools, the recognition of only one accrediting agency in a geographic or educational area, the observance of due process, and the encouragement of "ethical practices," and the inclusion of "public" representatives on accrediting bodies. These policies sound admirable, but upon closer examination, a number appear to be vacuous and, indeed, a means whereby OE has avoided more precise and meaningful requirements for institutional eligibility or agency recognition.

A conflict is evident between the active promotion of accrediting agencies by AIES and its supposedly impartial assessment of their compliance with its criteria for recognition; between its effort to get agencies to comply with these criteria and the formal doctrine that recognition signifies compliance.

A double standard is also evident in the AIES evaluation of applications for initial and renewed recognition. The commissioner has yet to withdraw recognition from any recognized agency, though some agencies appear unworthy of continued recognition and would, we believe, be denied recognition if applying for the first time. By tying OE eligibility policy so closely to accreditation, the commissioner has tied his own hands. He cannot withdraw recognition for an extended period, particularly from an agency accrediting proprietary schools, because he has no alternative means to establish the eligibility of their schools.

As noted, the entrance of the Office of Education, in mid-1968, into the de facto regulation of accrediting agencies was an administrative decision made by Commissioner Howe and his senior staff, with the concurrence of the Secretary of Health, Education, and Welfare. The action was a response to mounting administrative and policy problems, not to any direct legislative injunction. After a careful examination of the statutes, Matthew Finkin concludes that the commissioner has, in fact, thereby exceeded his mandate and urges congressional hearings and new legislation to clarify the situation.[1] His view, or half of it, is shared by many accrediting agency staff who feel that OE should simply recognize them, as it did before 1968, and then leave them alone.

Finkin may be right about the question of law, though we do not think so. He hinges too much on what is needed to determine the "quality" of training and not enough on what makes an agency "reliable"; both determinations have social as well as technical aspects. Indeed, if accreditation had to be a technically reliable, and not merely a socially acceptable, determination of quality, there would be far fewer agencies on the OE or NCA lists.

For example, Finkin cites the requirement that an accrediting agency "enforce ethical standards" as one which is irrelevant to a determination of educational quality, as perhaps it is; but it is not irrelevant to the public acceptance of an agency as being a "reliable" authority since one can hardly be reliable without being honest. Finkin also states that the law "assumes the existence of such nationally recognized [accrediting] bodies, that are recognized initially not by the Commissioner but by the related academic or educational community. Thus the criteria established by the Commissioner require acceptance of these bodies."[2] But how is "the existence of nationally recognized bodies" to be determined? Do the New York Regents, nationally recognized to operate in a state, constitute such a body? Is recognition to be determined by a poll of the innocent or the informed (and, if the latter, which informed people)? On any test, there is a tipping point: some bodies are not recognized very widely, or not recognized as very reliable. The main private agency which has attempted formally to recognize some bodies and to reject others, the National Commission on Accrediting, has recognized only those which sought its recognition; and some widely recognized accrediting agencies, such as the regional associations, have not sought it. Agencies which accredit vocational and proprietary education have not been eligible to seek it. "Recognition," in short, is not a natural condition like altitude, about which all observers can agree; it is a social condition, about which different observers disagree. It is therefore a matter for empirical, operational, or administrative determination; and, of course, different determinations will be made depending upon the procedures employed.

There can be no doubt that a quantum change has occurred in OE's regulatory activity since 1968. It now seems a natural and necessary consequence of the increased weight that was being placed on the recognition function. The effectiveness of OE regulation is a separate question. More, not fewer, questions would arise--sometimes in court--if OE had continued to recognize (or reject) agencies in the old way, behind closed doors, by procedures not clearly enunciated or subject to appeal. By all means let the Congress inquire into present arrangements, if it wishes: the outcome may be less, not more, freedom for accrediting agencies--or less, not more, reliance on accreditation.

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In a further communication, Finkin reiterates his position that the Office of Education has exceeded its legal authority. In his view, the legislative history "assumed there were proper private agencies whose functions were sufficiently reliable that it was in the public interest to rely on them...." Insofar as the new criteria for recognition issued in 1974 seek to remake these agencies to conform to the Office's image of organizations serving the public interest, they violate the assumption upon which its legislative authority rests. "...an administrative agency faced with this dilemma should return the matter to Congress. The course the Office of Education has chosen seems to me to be in a rather fundamental sense essentially lawless."[3]

Let us examine what has happened since 1968 and what the accrediting agencies think about it.

The New Era

The new regulatory era began with significant policy departures. The key change was the shift from recognizing agencies for an unspecified period (and, de facto, permanently) to a designated term, requiring them to reapply, and be reexamined, for renewed recognition. The October 1952 criteria had contained no reference to such reexamination. The need for it was one of the questions posed in the December 1967 memorandum of Ralph Flynt and Peter Muirhead: "Should there be any review of the continuous performance of accrediting agencies and associations? Can it be assumed that once such an agency or association is approved there is no need of a 'backslide' provision?"[4] At its first meeting in September 1968, the AIES Advisory Committee concluded that the commissioner "has a responsibility for the continuing review of those accrediting organizations which have been granted recognition"; that the period of initial recognition be limited to four years; that all agencies already recognized be reexamined within the next four years; and that the precise scope of recognition be defined. The grounds for reexamining agencies already recognized would be the need to determine if they satisfied the new criteria shortly to be issued (in January 1969).

Accrediting agencies were also, in the course of time, to be identified more precisely by AIES. The move was designed for greater administrative precision and control, since agencies recognized in one area expanded into others, helped by their recognition. (However, OE could not stop such expansion and the jurisdictional conflicts it created.)[5] The clearer definition of scope also served to encourage the autonomy of accrediting commissions and their staffs within the associations which had spawned them. For example, the January 1969 list of recognized agencies named the Middle States Association of Colleges and Secondary Schools, the American Dental Association, and the National Home Study Council, whereas the March 1972 list designated them as the Middle States Association of Colleges and Secondary Schools, Commission on Higher Education;

the American Dental Association, Council on Dental Education; and the National Home Study Council, Accrediting Commission.

Other policies recommended by the advisory committee at its seminal first meeting included a preference for institutional accreditation by private agencies over approval by state bodies "wherever possible, and legally permissible...as the quality index determinant for eligibility for funding"; and a preference for recognizing only one agency in a given field. "For the time being," OE should follow the VA practice of accepting the refund policy of accredited schools and a pro-rata refund policy for unaccredited schools gaining loan eligibility in other ways such as the blanket co-option of vocational schools in selected states. Unless mandated, OE would not utilize its authority to make individual schools eligible, "which might be viewed...as equivalent to accreditation. It is possible, however, that the Commissioner may find it necessary, at some future time, to develop an institutional funding-approval procedure for areas where appropriate accrediting bodies are not available...."

OE would favor institutional rather than program approval or accreditation "as the principal educational quality index" in future statutory eligibility language. Finally, AIES would "provide guidance and leadership concerning...approval activities" to other sections of OE, of HEW, and "gradually...to other Federal agencies...."[6] Altogether, a robust goal for a fledgling unit.

The NCA influence upon AIES policy (and/or the similar outlook of NCA and senior OE officials) was evident in the preference for private over state approval; for institutional rather than program accreditation; and the favoring of one agency in a field. It was also evident in the January 1969 criteria, many of which were modeled on, or copied verbatim from, criteria adopted by NCA in 1967. (However, the NCA criteria, first adopted in 1957, were "originally based on those evolved by the Office of Education" in 1952, and revised by NCA in 1962, 1964, and 1966.[7] The two sets of criteria, like the two organizations, have mutually influenced each other.) That was true of a long string of detailed specifications about how an agency should go about its business of accrediting. For example, a self-study should precede accreditation; the visiting team should consult with faculty and staff ("and students" was added in the OE version); a written report should be given to the chief officer of the institution; the accrediting agency should consider the report "in the presence of a member of the team, preferably the chairman"; and the agency should provide "a regular means whereby the institution may appeal" (the quoted passages were identical in both sets of criteria). A new provision of the OE criteria was that an agency have "demonstrated its capability and willingness to enforce ethical practices among the institutions, and educational programs accredited by it." A draft criterion, "that a recognized accrediting organization shall manifest an awareness of its responsibility to the general public interest, as opposed to parochial educational and professional interests," was omitted from the published version. Nonetheless, it expressed the philosophy which AIES espoused in ensuing years.

The new policies were discreetly conveyed to accrediting agencies in an October 1968 letter from AIES director John Proffitt noting that one of the functions of his new office was "Administration of the process whereby accrediting associations secure initial and *renewed* recognition" (our italics).[8] The advisory committee's recommendations were formally accepted by the commissioner in December and incorporated in the text accompanying the new criteria issued in the Federal Register of January 16, 1969 (see Appendix), which stated that agencies "will be reevaluated by the Commissioner at his discretion but at least once every 4 years."

Early in 1969, information sheets were issued indicating how agencies should apply or reapply for recognition. Those applying for the first time were to submit "evidence which established that the agency... meets the criteria"; AIES staff "shall take whatever other investigative steps are necessary in order to present accurate and comprehensive information to the Commissioner's Advisory Committee." Each agency already recognized "shall be informed in writing" when "scheduled for reevaluation," and, at least 45 days prior to that date, "shall submit documentation and related data which establishes that it meets the criteria...."[9]

If these announcements irritated any accrediting agencies, an accompanying pronouncement by Commissioner Howe reassured them that OE intended to rely on private accreditation:

> The Office of Education is cognizant of the invaluable contribution which the voluntary accrediting associations have made to the development of educational quality in the Nation. It is the policy of the Office of Education generally to support and encourage the various recognized voluntary accrediting associations in their respective activities, and to endorse their role as the primary agents in the development and maintenance of educational standards in the United States. The Office also supports and encourages the National Commission on Accrediting in its role as a national coordinator and spokeman for voluntary accreditation.[10]

That last sentence, recommended by an advisory committee chaired by Frank Dickey about a commission whose director was Frank Dickey, may involve a certain conflict of interest.

Many, perhaps all, agencies on the commissioner's list since 1952 had never been subjected to any formal review. The requirement that they now bow to Washington was unsettling especially to the regionals, some of whose staff wanted them to refuse to apply for review. FRACHE director Robert Kirkwood has stated that "The regionals did not *apply* for recognition. They were requested to submit data and prepare for review by AIES" (his italics).[11] That may be a distinction without a difference. True, OE staff took the initiative in scheduling a review and then asking that documentation be submitted for it; but the regionals, like other recognized agencies freely complied with their request. The three regional commissions recognized for the first time in the 1970s--the New England Commissions on Vocational-Technical Institutions and on Public Secondary Schools, and the Southern Commission on Occupational Education Institutions--took the initiative in applying for recognition. A staff man at one higher education commission remarked that "This word 'will apply' [for recognition] gets annoying." Umbrage has also been taken at the expression "to petition" for recognition. If such sensitivity has been displayed to words and initiatives, it may be because agency staff have found it difficult to take more significant action against government encroachment which they dislike but endure. They have been trapped in a relationship which none has yet rejected by the simple expedient of refusing to be reviewed by OE. In turn, OE has been all bark and no bite, never yet having withdrawn recognition from any agency.

Judging Applications for Recognition

The effect of the new OE criteria, the new vigilance in reexamining all recognized agencies, the new specificity in the scope of recognition, and the new variety in the kinds of action taken was to increase greatly the frequency and detail with which agencies were scrutinized. Two summaries of the actions taken are given in Tables 1 and 2. They are approximately but not fully accurate, because the permutations and combinations of recognition requests, actions, and dates defy accurate classification: there were preliminary requests, deferred actions, probationary and limited recognitions, informal appeals, and so forth.

Most agencies failed to meet all criteria for recognition. In the 44 months from December 1968 through August 1972, only 4 of 30 requests for initial recognition and 13 of 34 requests for renewed recognition resulted in recognition for the full four year term without stipulations. Most agencies applying for initial recognition were denied or deferred; and most applying for renewed recognition were subject to stipulations or short-term extensions during which they were to correct failures to comply with the criteria and to report back on their progress.

A variety of conclusions may be drawn from this record.

It could be said that, until 1968, successive commissioners had carelessly recognized many agencies (and thereby wrongly attested to their reliability) which subsequent examination showed were not in compliance with many criteria. The commissioners have also failed to inform the public that anything was amiss with the reliability of accrediting by recognized agencies, that many agencies have received limited and probationary extensions, and that others have been denied recognition.

It appears that AIES has dealt more severely with applicants for initial recognition than with agencies which, due to the accidents of history, had been on the commissioner's list since 1952 or earlier, without any serious examination. In part, this represented an effort (akin to NCA's) to staunch the infinite proliferation of accrediting agencies, which, no matter how good and upstanding they were, could only bring ultimate ruination to the accrediting enterprise. It is nonetheless a questionable, and certainly a conservative, policy to favor recognized agencies over those seeking to be recognized.

In part, this double standard results from moral, practical, and legal considerations, since to withdraw recognition from an agency inflicts palpable injury and thus requires more substantial grounds than not to recognize it in the first place. In this matter and many others, the relations of AIES to accrediting agencies closely parallels that of the agencies to their schools and programs: it is easier to deny accreditation in the first instance than subsequently to withdraw it.

It may be said that AIES has undertaken an impossible and unrealistic task in the excessive and mounting burden which has been thrust on its staff and advisers. The attempt to treat all criteria and all agencies equally has generated mountains of paper as evidence of compliance, most of it self-advocacy, with little from independent sources. All has to be read and digested by overworked staff and advisers. The tighter the regulatory reins--the shorter the period of recognition, the more stipulations which accompany it, and the narrower and more precise the scope of recognition--the more frequently must agencies be examined and the greater is the burden on them and on AIES staff and advisers. As a rough estimate, the 55 agencies recognized by the commissioner in March 1973 entailed some 200 separate acts of recognition for different

Table 1

OE Actions on Accrediting Agency Requests, December 1968 - August 1972

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30 requests for initial recognition

- 4 recognized for 4 years
- 1 recognized for 2 years
- 4 recognized for 1 year
- 8 deferred
- 13 denied

34 requests for renewal of recognition

- 13 renewed for 4 years
- 8 renewed with stipulations
- 5 renewed for 1 year
- 6 provisionally renewed for 1 year
- 1 denied (reversed on appeal)
- 1 show cause why should not be denied

7 requests for extension of scope of recognition

- 2 granted for 4 years
- 1 granted for 1 year
- 2 deferred
- 1 denied
- AMA:
  - 1 field granted for 1 year
  - 10 fields deferred
  - 1 field denied

9 requests for recognition of preaccreditation categories

- 6 1/2 granted
- 1 deferred
- 1 1/2 denied

Source: AIES Staff, October 10, 1972.

Table 2

Date and Type of OE Actions on Individual Agency Requests, December 1968 - March 1973

Type of recognition requested: A - preaccreditation; B - initial recognition; C - renewed recognition; D - extension of scope.

Type of recognition action: E - withdrawal of request; F - denial; G - deferral; H - provisional recognition; I - recognition; J - show cause why recognition should not be denied.

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
Regionals				
Middle States Association, Commission on Higher Education	9/70	C	6/71	I
New England Association				
Commission on Higher Education	1/71	C	6/71	I
	12/71	C	1/72	I
Commission on Public Secondary Schools	11/72	B	12/72	I
Commission on Vocational Technical Institutions	11/72	B	12/72	I
North Central Association, Commission on Higher Education	1/70	C	3/70	I
Northwest Association, Commission on Higher Schools	1/72	C	8/72	I
Southern Association				
Commission on Colleges	10/69	C	12/69	G
			3/70	I
Committee on Occupational Education	5/69	B	5/69	I
Commission on Occupational Education	2/72	B	8/72	I
Western Association				
Accrediting Commission for Senior Colleges	4/71	C	1/72	I
Accrediting Commission for Junior Colleges	4/71	C	1/72	I
New York Board of Regents	8/69	C	12/69	F
	11/69	C		
	6/70	C		
	12/71	C	1/72	I

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
Proprietary School Agencies				
Accrediting Bureau of Medical Laboratory Schools	3/68	B	12/68	G
			5/69	G
			9/69	H
	9/71	C	4/72	I
	9/71	D	4/72	G
	3/73	D	3/73	F
Accrediting Commission for Business Schools	12/69	D	12/69	G?E?
	5/71	D	6/71	G
			10/71	F
	5/71	C	10/71	I
Cosmetology Accrediting Commission	11/68	B	12/68	E
	10/69	B	12/69	H
	10/70	C	6/71	H
	9/72	C	12/72	I
National Association of Trade and Technical Schools, Accrediting Commission	5/69	C	5/69	I
	2/72	D	8/72	I
National Home Study Council, Accrediting Commission	10/69	C	12/69	G
			3/70	I
	1/72	D	1/72	F
Specialized Agencies (recognized as of March 1973)				
National Architectural Accrediting Board	8/72	A	3/73	F
		C		I
National Association of Schools of Art	8/70	C	6/71	H
	11/72	C	12/72	I
American Bar Association, Section on Legal Education	3/71	C	1/72	I
	9/72	C	12/72	G
	2/73	C	3/73	I
Accrediting Association of Bible Colleges	1/73	A	3/73	I
		C		I

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
National Accreditation Council for Agencies Serving the Blind and Visually Handicapped	10/70	B	6/71	I
American Association of Collegiate Schools of Business	4/71	C	10/71	I
American Chemical Society, Committee on Professional Training	9/72	C	12/72	J
Association for Clinical Pastoral Education	6/68	B	12/68	I
American Dental Association, Council on Dental Education	8/69	A	9/69	I
	8/70	A	6/71	I
	12/71	A	8/72	F&I?
		C		I
		D		I
Engineers' Council for Professional Development	8/69	D	9/69	G
	10/72	C	12/72	I
		D		I
Society of American Foresters	5/72	C	12/72	I
American Board of Funeral Service Education	5/69	B	5/69	F
	8/70	B	6/71	G
	10/71	B	1/72	H
Accrediting Commission on Graduate Education for Hospital Administration	4/70	B	6/70	I
American Council on Education for Journalism, Accrediting Commission	10/70	C	6/71	H
	11/71	C	8/72?	J
	12/71	C	8/72?	J
	2/72	C	8/72	I
American Society of Landscape Architects	6/70	B	6/71	H
	9/72	C	12/72	I
American Library Association	4/72	C	12/72	I
American Medical Association - Association of American Medical Colleges, Liaison Committee on Medical Education	2/72	C	4/72	G
	5/72	C	8/72	I

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
American Medical Association, Council on Medical Education	2/68	D	12/68	G
	1/69	D	5/69	G
			9/69	G
	1/72	C	4/72	H (2 fie
	(6 fields)			I (4 fie
	1/72	D	4/72	F (1 fie
	(12 fields)			G (10 fi
				H (1 fie
American Medical Association, Council on Medical Education, in collaboration with:				
American Occupational Therapy Association, Accreditation Committee	1/72	C	4/72	I
Board of Schools of Medical Technology	1/72	C	4/72	I
	1/72	D	4/72	G
	(5 fields)			
American Physical Therapy Association, Committee on Accreditation in Basic Education	1/72	C	4/72	H
American Medical Record Association, Education and Registration Committee	1/72 (2 fields)	C	4/72	I
Joint Review Committee on Education for Radiologic Technology	1/72	C	4/72	H
		D		F
Joint Review Committee for Inhalation Therapy Education	1/72	B	4/72	I
National Association of Schools of Music	9/71	C	8/72	I
American Association of Nurse Anesthetists	7/70	C	6/71	J
		C	8/72	G
	11/72	C	12/72	I
National League for Nursing	3/70	C	6/70	H
				I
	1/72	C	4/72	I
American Optometric Association, Council on Optometric Education	8/70	A	6/71	I
	5/72	C	3/73	I
American Osteopathic Association	2/69	A	9/69	G
	11/71	C	1/72	I

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
American Council on Pharmaceutical Education	12/71	C	12/72	I
American Podiatry Association, Council on Podiatry Education	5/71	C	10/71	H
	10/72	C	3/73	I
National Association for Practical Nurse Education and Service	4/69	C	5/69	I
American Psychological Association	3/65	B	12/68	G
	1/70	B	3/70	I
Council on Social Work Education	9/71	C	1/72	I
National Council for the Accreditation of Teacher Education	1/70	C	3/70	I
American Association of Theological Schools, Committee on Accrediting	1/69	A	5/69	I
	10/72	A	3/73	I
		C		I
American Veterinary Medical Association	3/69	A	5/69	G
			9/69	I
	10/71	D	1/72	I
	1/73	C	3/73	G
Specialized Agencies (applications denied or deferred as of March 1973)				
Accrediting Commission for Barbering Education	12/67	B	12/68	E
	9/69	B	9/69	G
	12/69	B	6/70	G
United States Catholic Conference, Board of Examiners	6/71	B	4/72	F
American Chiropractic Association	11/67	B	12/68	F
Council on Chiropractic Education, Accrediting Commission	7/72	B	3/73	F
Association of Chiropractic Colleges, Accrediting Commission	12/72	B	3/73	F
American Association of Christian Schools of Higher Learning	11/69	B	3/70	F
International Society of Clinical Laboratory Technologists, Accrediting Commission	8/68	B	12/68	F

Accrediting Agency	Request		Committee Action	
	Date	Type	Date	Type
Association of Home Study Schools	1/68	B	12/68	F
	4/69	B	5/69	F
Association of American Law Schools	7/69	B	9/69	F
American Marina Association	2/68	B	12/68	F
American Medical Association, Council on Medical Education, in collaboration with:				
American Association of Medical Assistants, Curriculum Review Committee	1/72	B	4/72	G
	3/73	B	3/73	G
Joint Review Committee for Educational Programs for the Assistant to the Primary Care Physical	1/72	B	4/72	G
Joint Review Committee on Education Programs in Nuclear Medicine Technology	1/72 (2 fields)	B	4/72	G
American Academy of Orthopaedic Surgeons, Subcommittee on the Physician's Assistant	1/72	B	4/72	G
National Association of Colleges of Mortuary Science	9/67	B	12/68	E
	2/69	B	5/69	F
	1/70	B	3/70	F
American Psychoanalytic Association	7/67	B	12/68	E
State Agencies (applications denied)				
Maryland State Education Department	4/67	B	12/68	F
	7/69	B	9/69	F
North Carolina Board of Education	2/70	B	6/70	F

Source: AIES. The complexities of some requests for recognition and some actions preclude a completely accurate summary. Both H (provisional recognition) and I (recognition) may be for varying terms up to four years and with varying stipulations. The request date is that given by AIES for the receipt of the "petition"; the action date, the time it was considered by the AIES advisory committee; additional time would normally elapse for formal approval by the Commissioner of Education and agency notification.

educational areas and levels, and for preaccreditation as well as full accreditation. In addition, AIES staff must review a mounting number of applications for approval from state nursing, vocational, and educational agencies. The staff and advisory committee members whom we have observed over a two-year period have been very hard-working, but one wonders how long it will be before the reins are slackened or the whole operation collapses of its own weight.

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To demonstrate its compliance, the AMA Council on Medical Education submitted in 1973 a huge boxful of paper which it would take several informed readers several months to study and digest, after which they would naturally want to ask further questions which might generate further boxfuls. At one advisory committee meeting, a member complained, "I truly resent receiving all of this material upon arrival--two telephone books: it seems like a bureaucratic device to prevent adequate consideration of the issues." The interpretation was unkind but the exasperation was real.

In contrast to AIES, the full National Commission on Accrediting has met once a year and has had two professional staff and one secretary. It is evident that AIES has attempted what NCA has not: to deal with all criteria and applicants with even-handed diligence. That may be foolish or wise or necessary, determined by the public and private status of the two bodies. Neither course is intrinsically better than the other: each has advantages, pretenses, and drawbacks.

Finally, it may be said that AIES has undertaken an impossible and unrealistic task in imposing the image of one model accrediting agency (evidently a regional, not a specialized agency) and one set of criteria upon agencies whose history, constituency, character, and purposes are so diverse that no single set of criteria can meaningfully apply to all. As a private agency serving the interests of college presidents and confining itself mainly to specialized accrediting in degree-granting institutions, with no money hinging on its judgments, no Congressmen looking over its shoulder, and less need to treat all agencies alike, NCA could operate satisfactorily with a single set of criteria. Dealing with vocational, proprietary, and regional as well as specialized agencies, serving broader public and educational interests and being publicly more accountable to them, it is more difficult for AIES to copy the NCA example.

The difficulty of operating with one set of criteria was noted repeatedly during 1972 discussions on the proposed revisions, and repeatedly conceded by AIES director John Proffitt. For example, at one meeting, Glen Leymaster of the American Medical Association observed that "there seems to be an attempt to provide criteria to cover extremely diverse types of accrediting. I doubt that they can all be got under the same tent. If these criteria become too...specific, the agencies... may immediately be criticized for inability to comply." Proffitt replied:

> There have been times when portions of our criteria did not apply to a private agency and, of course, we then did not attempt to enforce it. We did develop a set of new criteria for state agencies in the nursing field; now we will have to develop a new set for public vocational agencies. And we have had our first agency in the secondary education field. Our philosophy has been not to develop new criteria if we can escape it; our one dividing line has been between the private and public sector.[12]

Additional dividing lines are evident between the accreditation of institutions and of programs; and between the accreditation of public, nonprofit, and for-profit institutions. In drafting our questionnaire to accrediting agencies we found it impossible to make many questions equally meaningful to all agencies--and their replies demonstrated that all did not find them applicable or read the same meaning into the same words. But the applicability of a criterion--whether a dispensation should be granted or compliance demanded--is determined by AIES, not the accrediting agency; this gives AIES a great deal of discretion and power which it can use to promote its policy objectives. For the antiseptic word "policy," those who wish may substitute "social" or political." AIES is, after all, a subordinate unit of civil servants obliged to obey the policies of political appointees.

When, fresh to power, AIES took its boldest action to date, attempting to strike from the commissioner's list the nation's oldest education agency on the grounds that it did not comply with the commissioner's criteria, the chairman of the advisory committee wrote to the commissioner:

> ...the Committee is of the strong opinion that failure to remove the [New York] Board [of Regents] from the List of Nationally Recognized Accrediting Agencies would destroy the validity and administrative integrity of the Criteria for Recognition. Essentially, you would be rendered defenseless against the pressures of other associations or agencies which similarly are found to be in non-compliance....We believe that you would find yourself with a calamitous situation unless you restrict the List to only those agencies which fully comply with the Criteria.[13]

There was truth in that statement about the "validity and...integrity of the Criteria"; but the truth is equally applicable to the retention on the list of the many other agencies which AIES has found are not in full compliance.

Much was made of the Regents' noncompliance with three criteria:

1. That the agency's scope is "regional or national"; but the Western Association, which accredited only in California and Hawaii, failed to meet that criterion or succeeded more feebly than would be tolerated in another agency. (At one public meeting, an AIES staff member stated that the purpose of the criterion was to help them "not to recognize"

specialized agencies which were regional in scope, of which there were "four or five.") 2. That the agency serves "a definite need for accreditation in the field in which it operates," because the Regents accredited only 26 higher educational institutions not also accredited by Middle States and only three received federal funds thereby; but in 1973 at least eight other recognized agencies accredited fewer than 26 institutions or programs, and numerous agencies were recognized though none or few of their schools received federal funds thereby. 3. That the agency encourages "self-study prior to accreditation" and secures data on "the qualitative aspects of an institution or educational program," because the Regents did not require such a study and obtained only quantitative data prior to a visit. But most agencies accrediting proprietary schools and a number of other recognized agencies have also failed to meet these criteria. Many agencies remain recognized though found by AIES to be in noncompliance with three or more criteria. That was true of at least five recognized agencies which came up for review in 1972.

Thus, we must infer that some reason other than a failure to meet the criteria "fully" underlay the effort to withdraw recognition from the Regents. That reason was a wish to identify accrediting as a distinctively private activity and to confine the commissioner's list to private agencies.

We do not suggest that all actions of AIES and the commissioner have been dominated by unstated policy considerations. The degree to which such considerations enter is in any event unquantifiable and unprovable. Many agencies appear so plainly to breach, or to meet, so many criteria that the verdict is in little doubt; and AIES staff and committee members are fair-minded people. We do suggest that the criteria for recognition are so numerous and diverse that the opportunity is present in the review process, and often taken, to mold accrediting closer to the image of their desire--and to policies which the government may or may not have openly enunciated. The opportunity is also present, and often taken, to play tactical or strategic games.

When an application is received by AIES, it is referred to a staff member (if possible, one who has previously accompanied an agency team on a site visit) who studies it and may request additional information. Subsequently, it is discussed by a staff committee and a digest or "Criteria Synopsis" is prepared. This may run to 5-20 pages and, in some cases, with complex applications involving multiple accrediting programs, to considerably greater bulk. Reports of advisers, pertinent correspondence, and other documents may be appended. A summary sheet is prepared setting forth the record of previous applications and actions and the staff's judgment of the degree of compliance with each of the twelve major criteria. As can be seen from the form reproduced on the next page, the critical line is that between a judgment of "satisfactory," signified by a numerical rating of "3" ("4" indicating "outstanding") and an "unsatisfactory" rating of "2" ("1" indicating miserable or nonexistent compliance). One AIES consultant found the criteria "difficult to work with. The summary is particularly hard to work with. Criteria 1, 2, 11 tend to merge, and 3 and 6 overlap."[14]

Few agencies have been judged outstanding on all twelve criteria, though four of the 39 applications reviewed in 1972 were judged outstanding on ten or eleven (one criterion, dealing with preaccreditation procedures, is often not applicable). Of the 39, 30 were rated unsatisfactory on one or more criteria, though most of these were rated "2," suggesting a readier prospect of compliance than would a rating of "1." In 28 applications, one or more criteria were rated "potentially" satisfactory,

(sample)

SUMMARY OF THE PETITION OF THE

FOR RECOGNITION AS A NATIONALLY RECOGNIZED ACCREDITING AGENCY

	EVALUATION	
CRITERIA ITEM	SATISFACTORY	UNSATISFACTORY
1. Scope	4 / [✓ 3]	2 / 1
2. Need	4 / [✓ 3]	2 / 1
3. Impartiality	[✓ 4] / 3	2 / 1
4. Information	4 / /3 /	2 / 1
5. Staff guidance	[✓ 4] / 3	2 / 1
6. Adheres to criteria	4 / 3	[✓ 2] / 1
7. Organization/procedures	4 / /3 /	2 / 1
8. Pre-accreditation N.A.	4 / 3	2 / 1
9. Reviews criteria	4 / 3	[✓ 2] / 1
10. Experience	4 / [✓ 3]	2 / 1
11. Acceptance	[✓ 4] / 3	2 / 1
12. Enforces ethics	4 / [✓ 3]	2 / 1

Legend: 0 - indicates analyst's evaluation

NA - not applicable

/ / - potential

Over-all rating given by Staff

4 / [✓ 3]	2 / 1
Satisfactory	Unsatisfactory

SUMMARY COMMENTS BY STAFF

A. BACKGROUND

representing a prophetic judgment of agency intentions not yet realized. Fifteen applications were given an overall rating of "unsatisfactory." All initial applications with such a rating were denied or deferred, whereas those of recognized agencies were usually extended for a year with the injunction to demonstrate, then, compliance with enumerated criteria.

One advisory committee member who expressed concern with the inconsistency of the committee actions prepared a table to demonstrate it (Table 3). However, one can hardly expect or demand mathematical consistency in judgments of this sort, nor do staff claim that their ratings are mathematically comparable. Their overall judgment is not reached by simply averaging. Some criteria are said to be more important than others. According to one source, special importance has been attached to criteria 1 and 2, pertaining to an agency's national scope and the need for accreditation in a given field; in the future, criterion 12, pertaining to "its capability and willingness to enforce ethical standards," was likely to receive greater weight. A criterion may receive special attention at one agency, because events have brought it to the fore, and be glossed over at another.

Considering all of these factors, we have been more struck by the broad consistency, rather than by minor inconsistencies, between actions and ratings. Indeed (except for an interval in 1971, when a committee composed largely of new members overrode staff judgments and, an informant remarked, "things got pretty hairy for awhile"), a quest for consistency would have to be followed back to the ratings themselves. We made no independent check of staff judgments, but plainly they are partly subjective and a favorable or unfavorable disposition toward an agency or a special stress on the importance of particular criteria may weight marginal ratings sufficiently to affect action, and certainly to delay

Table 3

AIES Staff Ratings and Advisory Committee Actions

	Number of Criteria rated[a]					Committee Action	
Agency	4	3	2	1	Overall rating[a]	Recognition (Years)	Review[b] (Years)
A	11	1			4	4	
B	10	2			4	4	
C	6	6			3	4	1
D	4	8			3	4	1
E	4	7	1		3	2	2
F	2	10			3	4*	
G		12			3	4*	2
H		10	1		3	1*	1
I		9	1		3	2	2
J	4	7	2		3	4	2
K	6	4	3		3	4	2
L	2	6	3		2	2	2
M	5	3	4		2	1	1
N	2	5	4		2	1	1
O	2	5	3	1	2	1	1

a. 4, outstanding; 3, satisfactory; 2, unsatisfactory; 1, nil compliance.

b. Compliance review scheduled in ___ years.

* Initial recognition (the others are renewals).

Source: August 1972 compilation by an advisory committee member. Agencies J and K are misreported (13 criteria being entered, whereas there are only 12).

or hasten it, in the desired direction. That is a surmise but a reasonable one, strengthened by the striking speed with which certain agencies, operating in areas where OE wishes to encourage accreditation, have been recognized and commended for their work and the marked coolness shown to others. Thus, in one instance, an agency was promptly recognized despite "potentially satisfactory" ratings on five criteria; in another, back in 1967, it was stated frankly that an applying agency "did not meet all the criteria.....However, recognizing the need for an accrediting body in this educational area...the majority of the [Accrediting Review] Committee voted for a two-year approval."

Displaying Government Policies

More striking and widespread is the tendency to view individual criteria and the entire recognition process as a means to display government policies. "Display" is more accurate than "implement" or "enforce," because the measures that satisfy the friendly demands of AIES can be purely formal or verbal, but, insofar as the policies themselves are largely formal, this may be a fit measure of compliance. Unfriendly demands can be more stringent.

What are these policies?

Some have been of special concern to the accrediting establishment; others, to the government; still others are, in our opinion, shibboleths which natives repeat without attending to their meaning or, should they actually be implemented, consequences. Among the latter is "innovation." A provision of the 1974 OE criteria for recognition requires an accrediting agency to demonstrate that "It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program." (An early draft read merely "It encourages innovation and experimentation.") How the National Association of Schools of Music and the Accrediting Association of Bible Colleges will introduce innovation into Mozart and the Ten Commandments remains to be seen.

A singularly fashionable shibboleth calls for the testing of accrediting standards against student "outputs." How can any earthly standards reliably measure the effects of six to sixty months of instruction at 7,000 schools on the 30 to 60 or more post-school years of ten million students? What limited sense the idea may have is applicable to professional and occupational training rather than liberal arts education, and, hence, to specialized rather than institutional accreditation. After years and millions are spent developing "output" measures of varying reliability, the students and their schooling will have changed, requiring the development of new measures.

A draft criterion required each accrediting agency to demonstrate that "It has ascertained the validity and reliability of its educational standards." Had this criterion been retained, no agency might be left on the commissioner's list. The wording was later changed to "It maintains a program of evaluation of its educational standards designed to assess their validity and reliability."

All AIES policies are not such self-vitiated shibboleths. Some have been taken seriously; it is difficult to know just how seriously to take others. We shall discuss six policies that have received much attention: nondiscrimination by educational bodies; the eligibility of proprietary schools for accreditation by agencies that have not traditionally accredited them; efforts to reduce the proliferation of accrediting agencies; the observance of "due process";

the formulation and enforcement of ethical standards; and the effort to add "public members" to accrediting bodies.

Nondiscrimination

It is hard to know whether to take the AIES venture into educational nondiscrimination seriously; we conclude that it was honest but not serious, in the sense that words rather than acts would suffice for compliance; that the desired actions were never, in fact, specified (though everyone knew, or thought they knew, what they were); and, were the actions actually taken, they might well run counter to the maintenance of educational quality which accreditation and AIES are supposed to serve.

Who can be for racial and social discrimination? It would be illegal as well as unAmerican. Yet, if no one is for it, why must massive compaigns be waged against it, and why must public officials always decry it?

In this instance, the freshly impanelled advisory committee, receiving charges of medical schools' discrimination against women brought by the Women's Equity Action League (WEAL), recommended:
1. That AIES investigate whether the Liaison Committee on Medical Education, the joint body of the American Medical Association and the Association of American Medical Colleges recognized by the commissioner to accredit medical schools, condoned sex discrimination in medical schools. 2. That the commissioner inform all recognized agencies of the committee's concern about discrimination "as it relates to educational quality," and of the agencies' responsibility in the matter. 3. That the criteria for recognition be revised so as to require agencies to take positive steps to eliminate discrimination. All three recommendations were implemented.

Questioned in detail about the WEAL charges, Glen Leymaster, secretary of the Liaison Committee, replied that the Secretary of HEW, or his designee, was a member of the Liaison Committee; that, of course, accrediting policies cannot be illegal; that the Liaison Committee was "strongly in opposition to any form of discrimination in...medical education" and included among its standards the statement that "There should be no discrimination [in medical schools] on the basis of sex, creed, race, or national origin"; and 63 percent of female, compared to 41 percent of male, applicants to medical schools had been accepted in 1971-1972. The figures for earlier years showed roughly the same admission rate for the two sexes.[15]

In August 1971, Acting Commissioner Peter Muirhead sent all recognized agencies a letter informing them that:

> The Advisory Committee has taken the position that discrimination of various kinds practiced by educational institutions adversely affects the quality of that education, and, therefore, the Committee has asked me to inform you, in my capacity of determining those agencies which are reliable authority as to the quality of training offered, of its concern regarding discrimination by age, sex, race, creed, or national origin, as it bears upon this determination.
>
> Furthermore, in light of the Office of Education's policy that accrediting organizations must be sensitive of and responsive to the public interest, the Advisory Committee has requested that I encourage recognized accrediting agencies to take firm and positive steps in order to ensure that unacceptable discrimination or arbitrary exclusion is not practiced by accredited schools or programs.
>
> I am in agreement with the Advisory Committee on this matter and believe that, in the interest of serving the public, all forms of discrimination must be eliminated from every sector of American education.

That was a simple and economical way to establish valid and reliable education standards: by fiat. Did it mean that the "evaluation of its educational standards" which accrediting agencies were enjoined to conduct should not include the effect of discrimination upon the quality of education, since that had already been officially determined and a contrary finding would risk the loss of recognition? Or was nondiscrimination to be pursued as a policy which was morally right and in the public interest, as long as it did not do too much damage to the quality of education?

John Proffitt took the latter position in discussing the incorporation of a nondiscrimination provision in the revised criteria for recognition. To be more precise, Proffitt took both positions. In an October 1971 letter to Leymaster, he stated "we have recently completed a Staff study which concludes that the quality of education may be affected adversely by the existence of discriminatory practices. (Witness the charge that more qualified women are rejected in favor of less qualified men)." In June 1972, backing off from the positive determination by Muirhead and the advisory committee that "discrimination ...adversely affects the quality of...education," he said "We would probably concede that there are discriminatory matters--for instance, a single sex or race institution, which do not affect the quality of education." Asked what agencies should do if the admission of minorities lowered the quality of education, he replied, "...we would, of course, hope that accrediting agencies would not take negative action against a program unless the level of education was pulled down to what you regarded as a dangerous level."[16] That, at least, was clear (if inconsistent with the Muirhead letter). It said that accrediting was not concerned solely with the quality of education but also with the public interest and, if it were necessary, in serving the public interest, for accrediting agencies to reduce the quality of education, at least for a time and in some institutions, so be it.

As a prominent and profitable profession, medicine is often singled out for attack. "We have pressures to bend in so many [social] directions," one AMA representative remarked, "we don't know if we are accrediting any more." Other agencies deserve their share of attention, if the goal is to have all professions composed of statistically average proportions of all American races, religions, and sexes. Little more than one percent of dentists are women; few women or blacks are engineers; few men are nurses, secretaries, or nuns.

The nondiscrimination criterion is redundant for eligibility purposes, since every school wishing to qualify for federal educational or contractual funds must sign a piece of paper affirming its compliance with civil rights legislation. Title IX of the Education Amendments of 1972 also bars all schools receiving federal funds from discrimination on the basis of sex; however, the law exempts traditionally one-sex private undergraduate colleges, religious institutions, and merchant marine and military academies.

Proprietary Schools

Agencies accrediting proprietary schools have been among the stronger supporters of AIES and with good cause. Recognition by the commissioner--noted prominently in their literature--has helped them to gain public respect and a place in educational policy counsels, and has made their schools eligible for insured student loans. In turn, as we have seen, the establishment of AIES was closely related to the rising federal dispensations to proprietary and vocational education, and the rising problems and workloads thus imposed upon OE. AIES staff were under great pressure to increase the number of eligible vocational and proprietary schools, and the recognition of additional agencies accrediting these schools was one way by which this pressure was eased. However, accrediting, as a concept, and the commissioner's recognition of it, as a staff function, have been cast largely in the mold of higher education. If proprietary schools do not fit comfortably into that mold, it will not be for lack of trying.

The eligibility of proprietary schools and programs for accreditation has been examined whenever an agency is reviewed by AIES, and a failure to accredit them has been scored against the agency on several criteria. (The constitutional bar on double jeopardy does not apply here.) Thus, in reporting the findings of the AIES Advisory Committee on the Board of Schools of Medical Technology, John Proffitt wrote, "regarding the Board's venture into the accreditation of certified laboratory assistant programs located in proprietary institutions, the Committee noted that the Board which has accredited only one such program, did not fulfill Criterion 1 (scope), Criterion 2 (serves the need), and Criterion 10 (experience)."[17] That seemed to assert either 1. that additional proprietary schools do, in fact, meet the Board's standards or 2. that the Board's standards should be changed so that additional proprietary schools could meet them.

The status of proprietary schools has assumed greater urgency with the increasing number of programs training subprofessional aides for the established professions--physicians' assistants, laboratory assistants, medical technicians, dental assistants, veterinary assistants, nurses' aides, engineering technologists, architectural technicians, landscape architectural technicians, librarians' assistants: no one seems to work unaided any more. The short-term programs to train such personnel may be conducted by proprietary schools, junior colleges, hospitals, area vocational schools, or special branches and divisions of colleges and universities. The situation has led to

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much competition among accrediting agencies expanding into the new educational territory.[18]

Many agencies accredit only public and nonprofit institutions or programs and have been reluctant to change, due to a long-standing aversion to for-profit education or a belief that education of an acceptable quality requires subsidization by an endowment or public expenditures and cannot be provided on a for-profit basis. As many specialized agencies will accredit programs only in regionally accredited institutions, the ineligibility of for-profit institutions for regional accreditation has effectively disqualified their programs. Specialized agencies which do not normally examine an institution's administrative and business practices must either develop the competence to do so or accredit jointly with an institutional accrediting agency like the National Association of Trade and Technical Schools. The latter course, which AIES has encouraged,[19] may bring greater expertise to each area (the professional and the institutional) but it also subjects proprietary education to the proliferation of specialized accrediting from which higher education has long suffered.

Political realities have been forcing attention to proprietary school interests by the accreditation and higher education establishments. Frank Dickey has warned:

> ...we must take another very careful look at the need to include proprietary institutions and organizations within the purview of the accrediting organizations. If we do not, the public will have no valid basis for comparison of the programs offered in the nonprofit and proprietary domains. If we do not make some moves in the direction of becoming more inclusive rather than more exclusive, we shall have no one to blame except ourselves for having duplicating and competing systems of accreditation come into being.[20]

NCA itself recognized the National Home Study Council in 1973 and invited AICS and NATTS to apply for recognition;

NATTS, miffed by what it felt was an earlier slight, declined. Each of these agencies will designate one board number, and their schools will have the opportunity to become dues-paying numbers, of the new Council on Postsecondary Accreditation.

To our question, "Are for-profit or proprietary programs or schools now eligible for accreditation by your agency?" the North Central and Middle States higher education commissions and the Southern and New England commissions for higher as well as vocational education replied "No." The Northwest and the two Western higher education commissions said "Yes, in certain circumstances," but the circumstances were rare, since Northwest accredited none; the Western Commission for Senior Colleges has accredited one proprietary institution and the Commission for Junior Colleges has given candidate status to two. All the regionals had suspended further applications pending resolution of the basic policy issue by FRACHE.

In addition to the five agencies accrediting mainly proprietary schools,[21] five specialized agencies--the American Board of Funeral Service Education, the American Association of Nurse Anesthetists, the National Association for Practical Nurse Education and Service, the National League for Nursing, and the American Speech and Hearing Association--stated that proprietary programs were "routinely" eligible (though the first two did not indicate how many were actually accredited, the third had accredited two proprietary schools, and the last two had accredited none). Seven other agencies indicated that proprietary programs were eligible "in certain circumstances." However, of these, four--the American Association of Collegiate Schools of Business, the American Chemical Society, the American Psychological Association, and the National Council for the Accreditation of Teacher Education--had accredited none. The American Dental Association accredited two programs at two proprietary schools; the Engineers' Council for Professional Development, 10 programs at 6 schools; and the Council on Medical Education, 29 programs at 29 schools (some 27 were for medical assistants and 2, for laboratory assistants and medical technicians).

The regionals' posture toward proprietary schools is important, less, perhaps, for the number that might qualify and thereby also be eligible for accreditation by professional agencies, than for the enhanced standing that would accrue to proprietary education. In a 1972 report endorsed by the federation council, a FRACHE Committee on Proprietary Education "strongly opposed...taking any steps which would duplicate or in any way seek to preempt the responsibilities or interests of established accrediting bodies"--that is, it did not wish to get into competition with AICS, NATTS, and other agencies accrediting proprietary schools. "At the same time, the Committee recognizes the need for loosening the restraints which exclude certain types of proprietary institutions from achieving accreditation"--that is, certain decent, degree-granting schools should be eligible. The committee proposed several conditions, such as "a governing board which includes representatives of the public interest," the offering of "at least two years of postsecondary education," and the inclusion of "liberal studies as an essential element."[22] These standards might, on one estimate, render some 40 proprietary institutions eligible for regional accreditation.

In October 1972, FRACHE secretary Robert Kirkwood asked the Internal Revenue Service for a ruling "as to whether the admission of profit seeking institutions into membership would jeopardize the non-profit and tax exempt status of the regional associations or of the Federation." The IRS responded, "...we rule that your tax exempt status may be jeopardized by such admissions."[23] The ruling received prominent attention in the January 29, 1973 Chronicle of Higher Education and undoubtedly served to slow the slow rapprochement between nonprofit and for-profit accrediting.

In August 1973, responding to a further inquiry from FRACHE, IRS completely reversed itself and ruled:

> 1. The accreditation of proprietary schools by your constituent commissions will not adversely affect your status...
> 2. The admission of proprietary schools that qualify for accreditation to membership in the regional associations will not adversely affect your status...
> 3. The admission to your membership of the accrediting commissions of...[the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the National Home Study Council] who deal with predominantly proprietary educational institutions will not adversely affect your status...and,
> 4. The amounts, in the nature of uniform membership fees, charges, or assessments, realized by you as a result of the accreditation (and acceptance into memberhsip) of proprietary educational institutions... will not constitute unrelated business income....[24]

Soon after the issuance of this letter became known, a proprietary school representative correctly forecast that, though the new ruling was far more definitive than the old, it would receive less publicity. The forecast was based upon reservations about the ardor of the regionals. That may have been the reason, but, as it happened, the day of the ruling, IRS Commissioner Donald Alexander gave an address on tax exempt organizations in the course of which he said:

> ...in many localities, we now see accredited TV repairmen, accredited watchmakers, or accredited auto mechanics. Scores of associations have sprung up which appear to have accreditation as their principal function.
>
> Now what's involved here, from our standpoint, is whether these associations should be classed as (c) (3)'s--in which case, of course, contributions are tax deductible--or whether they are (c) (6)'s. In our view, and this should be formalized shortly, the (c) (6) designation seems proper. These groups argue

> that they carry out a charitable function, and therefore should be (c) (3)'s, since they insure a higher level of professional competence which benefits the public: We feel, however, that their chief objective is to enhance the profession, primarily through accreditation.[25]

Thus, the marriage of the for-profit and nonprofit sectors has yet to be consummated. The legal, political, and educational advantages and dangers of the union--to both parties--deserve to be discussed more frankly and fully than ideology, bias, and sensitivity have yet permitted. AIES has prejudged an issue about which there are at least two sides.

Nonproliferation

The AIES policy of nonproliferation appears to borrow something, including a large degree of futility, from that of NCA. NCA spokesmen believe that their judgment of "serving a definite need for accreditation," a criterion which an agency must satisfy for recognition, has been stricter tha that of AIES. They have asked, "Will society be harmed [or even, "Will anythin catastrophic...happen to society"] if specific programs are not subjected to accreditation?"[26] Member institutions are not supposed to deal with unrecognized agencies; recognized agencies are not supposed to expand the scope of their accrediting without consultation; and NCA has sought to confine recognition to first professional degree programs. Fields are sometimes listed in which accreditation has been discouraged. One 1965 paper enumerated thirteen fields[27]--in several of which accrediting was later begun and, still later, recognized.

Lack of recognition does not stop accrediting: nothing, it seems, does. Thus, NCA has not recognized social work accreditation at the baccalaureate level; nonetheless, on one estimate, 95 percent of all baccalaureate programs have already been approved by the Council on

Social Work Education and a number of states require graduation from an approved program for civil service positions. All that NCA has accomplished is to have the programs designated as "approved" rather than "accredited." NCA has not recognized music accreditation in junior colleges; hence, junior college music programs are "associates" of the National Association of Schools of Music, a category the association regards as equivalent to full accreditation. Thus, NCA has limited music "accreditation"; junior college representatives on the NCA board are pleased to have limited the inroads of specialized accrediting on their campuses; and the music teachers and students are not entirely distraught. During the 1960s, fourteen new agencies were recognized by NCA and the number of programs accredited by recognized agencies grew from about 3,060 to 4,140. Complete, accurate and current data are not available from any source, because many accrediting agencies are understaffed and overworked and the accrediting scene is in such constant flux. In April 1973, Thomas Ginley, the well regarded staff director of the Council on Dental Education, told the NCA "I don't even know how many schools we deal with anymore, because we have been expanding so much."[28]

"From time to time, institutions may feel that the Commission has given recognition to too many accrediting agencies," mused the NCA Reports in November of 1971; "however, one must always take into account the necessity of giving consideration to the public interest as well as the institutional interest."[29] That is a different tone than Samuel Capen's famous castigation of the specialized accrediting agencies as "a horde of irresponsible outsiders, each representing a separate selfish interest."[30] NCA did not assert that its efforts to dampen proliferation were not in the public interest. Whatever will be, will be in the public interest: often, through the sheer persistence of specialized agencies and the sheer

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closely so that their accrediting activities do not unduly disrupt the affected institution or program." The original 1952 criteria had set forth no policy whatsoever with respect to the recognition of only one agency in a given field or area.

Among the fields in which accrediting has been conducted by two or more independent agencies have been chiropractic, clinical pastoral education, computer programming, correspondence study, cosmetology, funeral service, journalism, law, medical assistance, medical technology, and practical nursing. Hence, an agency which has no rival is more likely to be recognized than one which does. AIES has often cited the existence of multiple accreditation as a reason to deny or defer recognition and urged the agencies to reconcile their differences. A staff member has stated that "the Office...would place a heavy burden of proof on a dissident group which tried to set up its own separate accreditation process."[31] Occasionally, however, two agencies have been recognized to accredit in the same field, particularly when one was concerned primarily with proprietary school programs, as is the case in several allied health fields. The general operating principle seems to be the wish to recognize agencies covering as much of the postsecondary universe as possible, a principle which favors broad coverage with lower standards over selective coverage with higher standards. Thus, the commissioner has recognized the American Bar Association, despite its breach of several criteria, and denied the 1969 application of the Association of American Law Schools, which had recognized twenty fewer schools. NCA, contrariwise, recognized both agencies, though, in keeping with its more selective (and/or academic) inclinations, it once sought to withdraw recognition from the ABA.

The principal criteria invoked to restrain proliferation have been those requiring an agency to demonstrate that it "Serves a definite need for accreditation in the field in which it operates" and "Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies and employers throughout the United States." The former criterion especially offers ample latitude for diverse and subjective tests, since "need" can be that of a professional specialty, of its competitors, or of various social groups. On the whole, AIES has leaned toward the idea of "social" need, but that is difficult to define with any rigor and has not been applied with notable consistency. When one advisory committee member asked "Why is there a need for another accrediting agency?" the answer was, "The need has been expressed by this association. We do not question the legitimacy of the factors and purposes that influence them." On another occasion, an AIES staff member said bluntly, "It's not our job to reduce proliferation."

If it were, the place to start would be with agencies whose accreditation is not germane to eligibility for any federal program. Recognition had no eligibility value for perhaps seven agencies on the commissioner's list in 1972; for a number of agencies, it rendered eligible only a few free-standing professional schools not affiliated with regionally accredited institutions--at most, 6 of 148 law schools, 9 of 108 medical schools, and 10 of 113 schools of music. Recognition has been sought by many agencies for prestige, not money, and AIES staff have not denied them that. They also reason that no one can predict what laws Congress will pass under which schools may later become eligible. To wait until the law is passed, they say, would be "narrow and legalistic." The contradiction between the policy of favoring institutional accreditation and yet recognizing specialized accrediting agencies is evident. Should specialized agencies not be recognized solely for the benefit of their free-standing members?

AIES has shown no comparable solicitude for free-standing proprietary schools ineligible for accreditation by recognized agencies, nor a disposition to accept professional accreditation as an adequate assurance of institutional sobriety.

"The accrediting commissions have been promiscuously recognized by the U.S. Office of Education," writes a state education official. "Anyone with an office and a desk can get recognized by the Office of Education," scoffs a senior HEW official. No matter if that is not strictly true: a phone may also be necessary, vacant accrediting territory, and reasonable compliance with the criteria. As agencies flock to be recognized, critics mutter that the commissioner's list has got out of hand. Its function is not to determine federal program eligibility but to blanket the educational universe with accrediting agencies.

Due Process

Half a dozen factors have caused increased attention to due process by accrediting agencies: the critical importance of accreditation to many schools, including some with large resources, much influence, and good lawyers; a growing litigiousness in many areas of American life; the greater formalization of accrediting procedures required by OE criteria as well as by the growing size of many agencies; and the legal requirement of fair and equitable treatment to all applicants and members by any private association with monopolistic control over access to public benefits or the right to practice a profession. Of course, the legal requirement has not changed; but the monopolistic power has become more important.

Lawyers themselves do not agree on precisely what constitutes "due process." At one public session of the AIES advisory committee devoted to a discussion of the question, three private lawyers who specialized in accrediting problems held the floor for some time--each disagreeing with the other two.

According to William Kaplin, the essentials of due process are that associations accrediting as delegates of the government follow their own rules and act reasonably and in good faith, not arbitrarily. Procedural due process reduces to "(1) administrative regularity, (2) reasonable relationships between the decision-making process and the stated purposes of the agency, and (3) opportunities for affected parties to present their views in a manner commensurate with the interests which they have to protect."[32] To ensure due process in accrediting, established standards and procedures should be followed; schools should be given adequate notice and explanation of adverse action, an opportunity to show cause why it should not be taken and to obtain a hearing, and, should adverse action be taken, an appeal; the accrediting body should be free to act without conflict of interest, pursuant to the evidence and in accord with established standards and procedures.

Betty J. Anderson, attorney for the American Medical Association, which, having once been found in restraint of trade, is sensitive to the danger, observes:

> There are three basic areas that may cause legal concern for organizations or associations that conduct accreditation programs: (1) possible liability under the federal and state antitrust laws; (2) liability to consumers or individuals who rely upon the accreditation; and (3) possible liability for injury to business ...such as actions alleging unfair competition....
>
> The Antitrust Division of the Department of Justice and the Federal Trade Commission are suspicious of standards because of the use made of them as a means of restraining trade....
>
> Accrediting agencies...have a more visible ability to restrain institutions from attracting students today than they have ever had before....The public reliance and the monopolistic role of educational accrediting agencies strips away their cloak of voluntariness and gives them the characteristics of governmental agencies.[33]

Kaplin and Hunter also stress that "The accrediting agency...is not a truly 'voluntary' association.... Neither is it a truly 'private' association, for it fulfills a public function...."[34]

The emphasis that OE has placed on due process has met with some success, being in the obvious interest of accrediting agencies themselves. Agencies which have been subordinate sections of larger professional associations have been, or are being, given a greater degree of administrative independence so that their decisions may be less vulnerable to charges of special interest. Appeal procedures have been established and employed, particularly by proprietary school agencies.[35] The effect has been to make accrediting more formal and legalistic. Accrediting decisions may or may not thereby have become fairer and more equitable, since fairness and equity are not merely matters of form but also of substance.

The growing tendency to challenge accrediting agencies in the courts--or, what can often have the same effect, the threat to do so--has been an unwelcome consequence of the growing importance of accrediting in determining eligibility for federal funds.

The first legal action against a regional association was brought in 1938 by the state of North Dakota against the North Central association. North Dakota Agricultural College had been dropped from membership because its president and seven senior staff had been removed without stated cause or hearing. Thereafter, a long period of legal peace ensued until the Parsons College suit against North Central in 1967 and the Marjorie Webster suit against Middle States in 1969 (both are discussed in an appendix). The regionals won all three cases, though the Marjorie Webster outcome may have been a pyrrhic victory.[36] It was certainly an expensive one. Few accrediting agencies can face the expenses of a lengthy court action with equanimity. A court action is traumatic in other ways, exposing untidy, if not unedifying, aspects of agency operations.

Other actions brought against accrediting agencies in recent years have included the Crowell-Collier-Macmillan suit against the National Home Study Council; a suit by five accredited mortuary schools against the American Board of Funeral Service Education for imposing a standard requiring students to have completed one year of college prior to enrollment; a suit by the American Society of Medical Technologists against the American Society of Clinical Pathologists to require it to relinquish control of the Board of Schools of Medical Technology; a suit by Blackwell Colleg Washington, D.C., to require the Accrediting Commission for Business Schools to accredit it; and a libel action against the Southern association by East Coast University, Florida. A proprietary school in the District of Columbia and one in Chicago have threatened suits against ACBS and NATTS, respectively, to stop the withdrawal of accreditation; the American Bar Association has been threatened with suits for not receiving applications for accreditation from proprietary law schools.

"You need an attorney by your side constantly," remarked the staff director of one regional association. Even the denial of correspondent status has required a two day hearing before an independent board, with attorneys present for both sides. The rising danger of suits has led a number of accrediting agencies to take out libel insurance. Many agencies have also become incorporated (including the National Commission on Accrediting, in 1968). "Apparently, the primary reason for incorporation is the desire to insulate association officers from potential personal liability."[37]

Crowell-Collier-Macmillan asked the court to order the Commissioner of Education either to remove the National Home Study Council from his list of recognized agencies or to direct it to restore accreditation to CCM schools; a New England college went to court (unsuccessfully) to get the commissioner to restore it to the higher education directory, from which it had been dropped; the commissioner has also been threatened with suit for delaying action on an application for recognition by the Board of Schools of Medical Technology.

The climate of litigiousness has given the HEW counsel a significant voice in AIES affairs; his office has been consulted frequently by AIES and has been responsible for modifications and delays in AIES action: due process is, in part, synonymous with slower process. AIES discovered that it was not itself abiding by many of the rules it was trying to get agencies to adopt. As a result, its procedures for handling recognition applications have been changed in numerous ways and will doubtless change further in accord with the dictates of "due process."

Whereas the 1952 and 1969 criteria for recognition were prepared quickly and privately by staff, in consultation with a few authorities, the 1974 criteria went through a far more laborious and public process. At least three meetings were held with representatives of accrediting agencies (but not of state education officials) at which a draft was discussed and 500 copies were circulated for comment to state and federal officials, accrediting agencies, and knowledgeable persons. The draft was discussed repeatedly by the AIES advisory committee (the 1969 draft had been discussed once) and went through at least four revisions over more than a year and a half, before the final version was sent to the Federal Register in August 1973. (It did not get printed until March 1, 1974, but that is another story.) True, some of these measures were unplanned. Some sources say that the public meetings in the summer of 1972 were "forced" on AIES: the April 1972 memorandum circulating the draft criteria did not refer to meetings and asked for comments within thirty days. The first meeting in June was convened by NCA, FRACHE secretary Norman Burns was in the chair, and AIES director Proffitt was an invited guest. Nonetheless, in the process, something was learned and done about "due process." One accrediting agency lawyer still claims that "OE violates every article of due process," especially in the conflicting responsibilities of its advisory committee and in the failure to circulate draft criteria and draft policies to all interested parties, including unrecognized agencies.

The 1952 and 1969 criteria both provided that "No adverse decision will become final without affording opportunity for a hearing," but the procedures for arranging such a hearing were not specified and no provision was made for an appeal. In April 1972, such provisions were formally drafted. In August 1972, accrediting agency representatives were for first time invited to appear before the advisory committee. Unfortunately, it cannot be said that the procedure, which has since become regularized, has accomplished very much. Agency representatives must like to appear before the committee, because all seem to have accepted the opportunity; but their half hour allotment was usually devoted to an elementary recital of the agency's history, current operations, and plans, and a few polite questions from committee members. The serious committee discussion was conducted later, in closed session.

However, the opening of a portion of the advisory committee meeting to the public has also opened it to adversaries. Enemies and critics of accrediting agencies who have previously had no place to air their grievances have begun to take advantage of this opportunity. For example, in December 1972, the committee heard Stanley Hartman, a pharmacist from Portland, Oregon, speak on behalf of the Portland Retail Druggists Association against the composition and standards of the American Council on Pharmaceutical Education; in March 1973, representatives of the AMA Committee on Quackery spoke against the petitions for recognition of two agencies accrediting schools of chiropractic; in September 1973, staff of St.

Elizabeth's Hospital, Washington, D.C., spoke against the standards of the Association for Clinical Pastoral Education; and in December 1973, Kenneth Jernigan, President of the National Federation of the Blind argued that recognition should be withdrawn from the National Accrediting Council for Agencies Serving the Blind and Visually Handicapped (NAC) because it "operates undemocratically and not in the best interests of the blind...."[38] A former member of the NAC board and strong public critic of its composition, operating methods, standards, and philosophy, Jernigan appeared by a route that critics of other agencies may learn. "A blind constituent wrote to Senator Norris Cotton to ask that he help with the NAC problem. Senator Cotton inquired of the Office of Management and Budget," and was advised by OMB congressional liaison officer Harold F. Eberle that "The Commissioner [of Education] will review his approval of such an accrediting body if an organization dissatisfied with his designation [i.e., recognition] files a petition for such a review."[39]

The adversarial process has also been pursued by staff upon the receipt of complaints against recognized agencies and at the time of agency applications. The process that is due to each adversary is, however, not at all clear. Rightly or wrongly, some agencies feel that they have been treated unfairly. Thus, a member of one accrediting agency complains that "OE has never once asked" her agency "to comment on...the effectiveness" of a closely related agency. Another complains that he was never given a chance to respond to "a massive attack" by a second agency. Normally, an agency is asked to respond to charges received by AIES, but sooner or later there must be an end to the exchange of responses to responses. There have also been charges of personal bias and of simple error by overworked AIES staff in judging compliance with various criteria.

Many of the complaints against recognized agencies have been directed at agency standards, which are not supposed to be judged by AIES. Much discussion was therefore generated by the applications from the two agencies accrediting chiropractic schools. Testifying for the AMA, H. Thomas Ballantine argued that "chiropractic is an unscientific cult" and recognition should "go only to those who provide a valid...service...." The Council on Chiropractic Education, however, noted that chiropractic is a lawful profession, licensed in 48 states; that the commissioner asserted he recognized agencies "not on the basis of their tenets or dogmas, but upon their compliance with the published criteria," and "The Council asks no more and expects no less."[40] Several committee members and senior HEW officials felt that it was improper for any government body to judge the content of education: after all, the commissioner recognized agencies accrediting schools of art and music, theology and the Bible, all of which teach avowedly unscientific doctrines. Nonetheless, recognition conferred a kind of official benediction. Would AIES recognize an agency accrediting schools for astrology, phrenology, palmistry, and belly dancing, if they met all criteria? (AIES staff have stated that the criterion of "Acceptance" was designed especially to help them in dealing with "charlatan" agencies in fields like astrology or witchcraft.)[41] It is not really difficult for an agency which wishes to meet the criteria to do so in the course of time, with the help of studious staff and counsel, putting the commissioner in a position where he must confer recognition or equivocate and become vulnerable to a suit.

Complaints were also directed at the composition and control of accrediting commissions, a point that AIES could less readily disregard as it was itself seeking to get students and "the public" represented on accrediting bodies. And, of course, they challenged the agency's "acceptance...throughout the United States," a criterion which all recognized agencies were supposed to meet. Thus, just as the recognition process has been used to promote government policies, private forces have sought to use it to promote private policies and interests. It is inevitable that this would happen, one way or another. The recognition of only one agency in a field is a way to force the private resolution of factional disputes. However, such a resolution may prove shorter than the term of the recognition, allying the government to the sitting faction in a field.

The reception of a complaint is visibly influenced by the degree to which it is politically prudent or advances OE's policies. The complaint of sex discrimination in medical schools struck the right note: though questionably documented, it was immediately taken up by AIES, pursued intensively on several fronts, and converted into a policy injunction to all recognized agencies. The complaint against the National Accrediting Council was unquestionably well documented, but struck the wrong note, challenging the OE policy of putting "public" members on accrediting bodies. It was taken up by AIES more reluctantly, and was unlikely to lead to an injunction to all agencies. A major investigation of the North Central Commission was launched in 1974 following complaints by the chairman of the Southwestern Michigan College board, copies of which had been distributed to numerous Congressmen and Executive officials. If AIES were to undertake such an investigation every time a comparable complaint were received, its staff and budget would have to be much increased.

In hearing adversarial presentations, the advisory committee has assumed a quasi-judicial role without adequate preparation or consideration of the extent to which it conflicts with the committee's investigative, prosecutorial, and promotional roles. At the March 1973 session at which representatives of the two rival chiropractic agencies and the AMA were present, one agency representative was taping the discussion. When the committee chairman learned of this, he first asked that the recording be stopped and destroyed and then changed his mind. Which course was right? It was a public session, but a full transcript was not available to all parties and its preparation could hardly be entrusted to one faction.

More important was the determination of the public or confidential status of AIES applications and records. In July 1971, Elmer Jennings, President of the American Society of Clinical Pathologists, asked HEW Secretary Elliot Richardson for the right to inspect OE records bearing on the criteria for recognition since "the burden of proof [rests] on an applicant to establish that it meets any criteria." Jennings also asked to see all correspondence with any parties and file memoranda bearing on ASCP applications, including pertinent minutes and memoranda of advisory committee meetings, and the records, correspondence, and file memoranda on the applications of the Accrediting Bureau of Medical Laboratory Schools and the National Association of Trade and Technical Schools. Since these two agencies were recognized to accredit in fields in which ASCP also accredited, Jennings felt he was entitled to see the "proofs presented to show in what way they meet all the criteria." Except for a small amount of material which was deemed confidential, most of these papers were eventually made available to ASCP counsel, including the advisory committee minutes. (A 1973 Executive Order opened up to the public many discussions and minutes of federal advisory committees.) In February 1973, AMA counsel Bernard Hirsh requested and was likewise granted access to the full applications of the two chiropractic accrediting agencies, a decision confirming that agency applications were in the public domain.[42]

A distinction nonetheless prevails between documents which are accessible only by direct inspection and those which are published and, thus, widely accessible. The commissioner has yet to publish the precise terms of his own recognition actions, which, as we have seen, vary from a rejection on stated grounds of noncompliance to an unqualified four year extension, with any and every conceivable short-term, temporizing, qualifying, provisional, probationary, and conditional kind of recognition in between. The uninformed public knows only that an agency is, or is not, listed as "recognized."

The advisory committee's conflicting functions are shared by AIES staff. On the one hand, they play a critical role in evaluating the degree to which agencies comply with each criterion for recognition: their knowledge and judgment are indispensable to enable the busy and less informed advisory committee to get through its heavy agenda, and its recommendations normally correspond closely to those implicit in staff evaluations. This evaluative function demands the utmost in objectivity and neutrality.

On the other hand, the staff exercises a distinctly promotional role in stressing the value and importance of private accrediting and helping to strengthen and improve it. Staff guide and assist agencies in preparing their application for recognition. At that time, and after the committee and commissioner have acted on the application, the clarity and candour with which staff convey to the agency the details of any noncompliance and the measures that would place the agency in fuller compliance are vital to its prospects of success. Many agency directors who have achieved and retained recognition have thanked AIES staff for their helpfulness; others, who have failed to obtain recognition have felt unfairly treated--that they have been unable to get clear answers to their questions about precisely what they must do to come into compliance.

Plainly, the function of promoting accreditation and of helping agencies to obtain and maintain recognition, is in conflict with that of objectively evaluating the agencies. A weakness which is discerned in the process of evaluation can be used either to deny recognition or to help an agency attain it. The conflict resembles that of the AEC in both promoting the development of nuclear reactors and regulating and licensing their construction and operation. In the former function, the AEC must gloss over dangers to the public interest and safety which, in the latter function, it must scrutinize. Many observers have recommended that the two functions be separated, and this is likely to occur during the current reorganization of governmental energy programs. Should AIES move from quasi- to true regulation of accrediting agencies, there would be warrant to remove its promotional activities to another sector of OE. As things stand, there should be a more open recognition of the conflict and a clarification of policies for dealing with it. A minor policy may be suggested immediately: as government staff normally decline hospitality from applicants, so AIES staff should decline awards and certificates of commendation from any recognized agency. (Presumably they are not volunteered by agencies whose applications are rejected.) They should also avoid such blatantly promotional actions as urging a proprietary school owner to apply for accreditation.[42a]

The Fifth Amendment states that "No person shall...be deprived of life, liberty, or property, without due process of law...." Due process to all is vital to a just government and the rule of law. But the spread of due process and the rule of law indicate that the law has been extended to areas where it had not formerly been needed and where informal processes had served. In an address to the national Association of College and University Attorneys, Harlan Cleveland has pointed out some of the drawbacks of "due process" in academia:

> ...A growing proportion of all academic people who don't get what they want go to court about it. The more faculty members are denied tenure, the more lawyers are needed to prove that the processes were due. The more students consider themselves not as objects but as subjects of higher education, the more formal hearings and written regulations there are likely to be....
>
> It may be too late to avoid getting muscle-bound. The bureaucratization of rights and the neglect of responsibilities may already be too far advanced. Administrative Procedure Acts may already be too pervasive, adjudication by the courts already too widely substituted for the judgment of peers, the looseness and multilateral collegiality of the academy already too rigidified by written codes and two-sided processes.[43]

Due process is a mixed blessing: a blessing, if the occasion is important enough to warrant the time and cost and delay, and if the result is a fuller measure of justice; a curse, if the occasion is unimportant and nothing is achieved but delay, the appearance of justice, or (with knaves who extract the last ounce of process) the deliberate perpetuation of injustice. It is by no means certain if the growth of "due process" in accrediting will prove, on balance, a blessing or a curse.

Ethics

With no other OE policy is the gap between form and substance, rhetoric and reality more glaring than that which endorses ethical standards. With no other criterion is the speciousness of the "compliance" and "full compliance" constantly enjoined in the commissioner's communications to accrediting agencies more evident than that which requires a recognized agency to have "demonstrated its capability and willingness to enforce ethical practices among the institutions, and educational programs accredited by it." Willingness and capability! No church has claimed what the government here enjoins: but a church must leave something to God.

Whatever is meant by this criterion? Two issues which have been stressed of late, and were incorporated in the 1974 criteria, are nondiscrimination and refund policies: the provision read, "has demonstrated capability and willingness to foster ethical practices among the institutions or programs which it accredits, including nondiscriminatory practices in admissions and employment, and fair and equitable student tuition refunds." In both cases, it seems, the issue came first and the criterion second. As we have seen, nondiscrimination was first presented as necessary to educational quality; then, as necessary even should it lower educational quality; and finally, as necessary on ethical grounds, an alternative suggested by Frank Dickey as more acceptable to the accrediting community:

> If a decision has already been made that there is a relationship between quality and nondiscrimination...we then strongly object. This would place the U.S. Commissioner in the position of determining educational standards, a position he has heretofore shunned .../If the purpose of the statement is to require that accrediting agencies enforce federal regulations and statutes on discrimination ...this is not the proper role of accrediting agencies....If, on the other hand, the purpose...is to make non-discrimination an ethical consideration...the statement in the revised criteria may be entirely appropriate.[44]

The "fair and equitable...refunds" are a puzzle. FRACHE once suggested that this policy, too, should enter the criteria, if at all, only insofar as it might be relevant to the quality of education.[45] No policy has been explored and debated more exhaustively by OE, the Federal Trade Commission, the Veterans Administration, state education authorities, and agencies accrediting proprietary schools. If, after all these years, OE cannot state what a "fair and equitable" refund policy is, what is accomplished by the invocation of these words other than the misleading appearance of doing good? The policy is in large measure inapplicable to specialized agencies and programs which do not control institutional business practices. The fact is, it has been politically impossible and technically difficult or impossible to set a single refund policy that would be "fair and equitable" to all students and schools--proprietary, correspondence, undergraduate, graduate, medical, and tuition-free nursing schools. In April 1969, Assistant AIES Director Leslie Ross said:

> Our recommendation is that a refund policy operate as nearly as possible on a pro rata basis, with, of course, some allowance for the added costs of meeting fixed expenses such as enrolling a student and supplying him with his initial course materials. If a refund policy departs markedly from a general pro rata arrangement, there is always some suspicion of unethical practice.[46]

But that was said to home study schools, not to colleges which operate on a semester or annual basis. Proprietary schools protest that a pro rata policy is discriminatory, as it is not required of colleges; and, with somewhat more justice, that it taxes students who remain to reimburse those who drop out. However, it would also reduce the profitability of down-payment, revolving door enrollment practices. Many colleges have no refund policy at all. The solution adopted by the Veterans Administration has been to impose pro rata refunds on unaccredited proprietary schools and to accept the refund policy of accrediting agencies recognized both by the Commissioner of Education and state approving agencies (about half recognize such agencies as AICS and NATTS for this purpose). Since the accrediting agency's refund policy is usually more liberal than pro rata, it constitutes a significant business advantage of accreditation.

The hollowness of the OE refund rhetoric is most apparent with the regionals. The agencies accrediting proprietary schools may not do everything they should or mean everything they say, but they are acutely aware of the tuition refund problem; they grapple with it constantly, formulate and reformulate their policies on it, routinely query schools about complaints that students have not received fair refunds, and, on occasions which are rare in terms of the national incidence of student dropouts, acctually obtain an increased refund for the student. The regionals do not assume even this nominal investigatory and enforcement function. Their policy is to have no refund policy, but to accept whatever may be the policy of member institutions (including the policy of giving no refunds): and this putative "policy" satisfies AIES.

In May 1970, Commissioner James Allen advised the North Central Commission on Colleges and Universities that its recognition was renewed for four years "provided that, within one year, the Commission demonstrates its capability and willingness to enforce ethical practices among the institutions which it accredits, with particular attention to refund policies." The year passed unnoticed by North Central. On September 13, 1971, Ronald Pugsley of the AIES staff reminded North Central secretary Norman Burns that:

> As you know, when the Commissioner of Education renewed his recognition...he stipulated that the Commission submit documentation within one year that established its full compliance [who but AIES staff in confessional knows when the cup of compliance is "full"?] with Criterion 12....concerning capability and willingness to enforce ethical practices among institutions....To date we have received no response. As I would like to include your response on the agenda of the October 8-9 meeting of the Commissioner's Advisory Committee..., your early attention to this would be appreciated.

To assist North Central in its response, Pugsley enclosed copies of refund policy statements recently adopted by the Southern and Middle States associations. On October 7 (too late for the October 8 committee meeting: the matter went over to January 1972), Burns replied:

> The Executive Board of the Commission on Institutions of Higher Education of the North Central Association has adopted the following statement of policy to be included among the policies governing our relationships with institutions:
>
> The institution is expected to have a refund policy, stated in appropriate official publications, which is consistent with generally accepted practice.

That was the full text of the letter. And that, by all signs, demonstrated to the satisfaction of the commissioner, North Central's "capability and willingness to enforce ethical practices...." However, according to North Central historian Louis Geiger, North Central's failure to enforce ethical practices in Big Ten football was not satisfactory to Norman Burns in a confrontation which he lost in the 1950s. That episode is recounted in another chapter, together with current evidence of the regionals' inability to enforce ethical practices in recruiting and advertising, or to prevent fraud and malpractice by college administrators.

Accrediting agency practices in handling complaints will be discussed more fully in the next chapter. In brief: the regionals do not accept responsibility to investigate individual complaints unless they indicate conditions that may seriously impair the quality of education; the agencies accrediting propiretary schools refer individual complaints to their schools; specialized agencies vary in their practices. However, the regional and proprietary school agencies represent the managers and administrators of institutions, not their students, while specialized agencies represent the professions which established them, and it is unrealistic to expect any agency to defend other groups' interests as diligently as its own.

The feebleness with which professional associations enforce ethical standards is notorious. "How do you ensure that the agencies you recognize enforce ethical standards?" John Proffitt was asked, on one occasion. "We can't ensure this," was the honest enough answer. "We have to go on the premise of good faith, hoping to maximize the awareness of accrediting agencies and that they will maximize the awareness of the schools."[47] That represents a sublime faith in the power of words. The Commissioner of Education is an administrator, not a preacher. If agencies are to be in "full compliance" with his criteria, it should be possible to comply fully and honestly with them: the criteria should be realistic, and not instruments of public or self deception. The ethics criterion fails this test.

"Public" Representatives

The addition of "public" members to accrediting commissions has been promoted by AIES as a means of broadening the outlook of accrediting agencies and disposing them toward the public interest. The 1974 criteria require each agency to include "representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies." That one-step-forward and one-step-backward formulation reflects an inescapable dilemma. Accrediting agencies are creations of schools or professional associations supported by accrediting and membership dues; with rare exceptions (such as the American Psychological Association and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped) they have received no public funds for their operations. They are private, not public, organizations representing private, not public, interests and have only such obligations to the public as they willingly assume and are mandated or prudent for nonprofit, monopolistic organizations with quasi-governmental functions.

Terms like "quasi-governmental" or Alan Pifer's "quasi-nongovernmental"[48] (the meaning is so loose, it is unchanged by the negative) attempt to characterize an organizational form which is still evolving, still uncertain of its respective responsibilities to its constituents and the public, and how best to resolve them. The private, voluntaristic, peer-group tradition of accrediting coexists with its newer conception as an activity which is, for many purposes, compulsory and coopted by the government. Whatever such an amphibious organization may be, it is not a governmental agency and should not be mistaken for, or expected to act like, one; and the addition of a few persons designated as "public" members or advisers will not materially alter that fact.

Who is a "public" member? At one meeting of specialized agencies. it was suggested that he is "someone who knows absolutely nothing about the subject." According to the 1974 criteria, "'Representatives of the public'...means representatives who are laymen in the sense that they are not educators in, or members of, the profession for which the students are being prepared, or in any way are directly related to the institutions or programs being evaluated...." The notion of a layman is clear if hardly narrow enough, and applicable only to agencies accrediting professional programs. "All professions," Sir Patrick Cullen remarks in The Doctor's Dilemma, "are conspiracies against the laity." Can the addition of lay members appointed by the profession moderate the conspiracy? By definition, they are unqualified to judge technical professional standards, a screen capacious enough to cover many broader policies. Professional men appointed by an independent body might prove more effective (AIES uses such consultants in reviewing professional agencies), if not regarded as representatives of a foreign power and disregarded by their fellow accreditors.

It is easy to see how members of neighboring professions can help to broaden the outlook of a profession (as, e.g., a priest, medical economist, sociologist, pharmacologist, hospital administrator, nurse, medical social worker, or investment counselor can help a medical school to broaden its training). But it is hard to see why one neighboring profession should be chosen over another. Ultimately, each profession--living as it must, with the rest of society, despite its best efforts to achieve independence--must determine largely by itself the nature of its education. If members of neighboring professions are disqualified, the task of choosing qualified laymen in any but the most haphazard and arbitrary manner becomes insurmountable: AIES has not even suggested how it might be done equitably and rationally.

The choice of "public" members for institutional accrediting agencies is no easier. The AIES criteria offer as guidance only that they should not be "in any way...directly related to the institutions...being evaluated...." Is it acceptable, then, for the regionals to exchange board members? Are representatives of professional agencies acceptable on the boards or commissions of vocational agencies and vice versa? AIES staff have expressed satisfaction with the appointment of students--for example, by the Council on Social Work Education. But they are "directly related" to the institutions being evaluated--or does that expression refer only to employees? Many students are also employees or receive stipends and other institutional benefits. Of course, students can be "responsible" or "irresponsible," white collar or blue jeaned, Republican or revolutionary, undergraduate or part-time, from Federal City College or Amherst. Neither of the two students appointed to the AIES advisory committee in 1971 was an undergraduate; one was a Harvard law student and the other, a graduate student in sociology at the University of Maryland. One participated extensively in the discussions while the other was largely silent; neither represented any discernible "student" constituency.

The North Central Association rejected a 1967 request from the Association of American University Professors that faculty play an official role in accrediting "on the ground that this was 'special interest' representation."[49] Consumer interest and environmental groups have similarly been called "special interest" groups by spokesmen for government, industry, and professional associations. The National Commission on Accrediting, however, has stated that college and university trustees represented the "public." Why not? Some go downward and some, upward on the social and economic pyramid in their search. Lacking a way to define and identify the "public," only two practical alternatives remain: to identify the special interests which should be represented on accrediting bodies; and to identify the individuals or groups which should name the members. AIES has adopted neither course.

The addition of laymen and outsiders to responsible positions on accrediting bodies presents organizational and moral problems. The governing board of accrediting agencies is normally elected or appointed by the parent association or constituent bodies. Board members of most professional associations must be association members, so that laymen are ineligible to sit on the board of, for example, the American Medical Association or the American Bar Association, as presently constituted, a fact which presumably accounted for the alternative in the AIES criterion that they be given an advisory role.

To whom is the "public" member responsible? If we cannot define the public and it plays no part in appointing him, he has no way of reporting to, or consulting with, it. If he is appointed by the accrediting agency and yet is responsible to an unidentified public, he can be responsible only to his idea of the public, which is to say, to his own educational and political conscience. That makes him irresponsible from the standpoint of his fellow accreditors, who must account for their actions to members of their association. If, however--as AIES and the accrediting agencies apparently intend--he is, like his fellow accreditors, responsible to the association which appoints him, he cannot persistently oppose its interests. In short, he cannot be what is purported: a representative of, or spokesman for, the "public."

The "public" members of the National Home Study Council accrediting commission provide a classic example.

> The council claims that while four of its members are from the home study industry, five are public representatives. Among the public representatives, however, have been Jack C. Staehle, a director of LaSalle Extension University; Herold Hunt, a Harvard professor who is also a trustee of a correspondence school; and Lawrence C. Derthick, a retired official of the National Education Association and a director of Intext, one of whose three divisions is International Correspondence Schools. Asked about the affiliations of the public representatives, Henry Wellman, assistant to [the] director of NHSC, replied that the issue had come up a number of times. "We thought this would strengthen the commission," he stated, "because they would have some involvement in the home study industry." Did he feel that it was deceptive to call such men "public" representatives? "We have never felt that it was."[50]

There is no reason why he should. Perhaps such appointments would violate the criterion that no "public" member be "directly related to the institutions...being evaluated...." However, under the new criteria as well as the old, virtually anyone whom an accrediting body calls a "public" member becomes one.

The self-serving character of accrediting agencies is evident. Raising educational and professional standards serves also to raise the status and income of educators and professional men--and the cost of their services. Hence, a basic tension, if not conflict, arises between the immediate interests of accrediting agencies and the general public. It does not follow that the public is always right or that its long-term and short-term interests are identical. Were the lay public to set academic and professional standards, they might fall to the point of endangering the public interest.

A similar tension, if not conflict, can exist between the interests of educational "consumers"--i.e., students--and the public. OE has tended to equate the two,[51] but they are often in conflict. The educational consumer, too, is a special, short-lived interest group which benefits from services subsidized by the public. It can be in the public's immediate interest to reduce the costs, and in students' interests to increase the quality, of these services. Such a conflict has developed between the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) and the National Federation of the Blind.

NAC is a model agency, by AIES standards, in the representation it gives to the "public," but that has been a major source of its troubles with the federation, which charges that it fosters a custodial approach to the blind, permits the payment of less than the minimum wage by sheltered workshops,[52] and denies adequate representation on its board to the organized blind. In short, the federation complains that, doing exactly what AIES wants, NAC is hurting the consumers of the services it accredits. It appears that two separate philosophies and interests are here in conflict: those of the "public" and of the "consumer." It is too simple to say that the "public" is always right.

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Discussion

How has the AIES approach been received? In the next chapter, we shall report the experience and opinions of accrediting agencies, as conveyed in responses to a survey. Here, we shall deal with the question in a broader and more summary fashion.

As noted, AIES's role has become more difficult since 1971. Until then, it was able to implement Commissioner's Howe's philosophy of relying on accrediting agencies for the bulk of the government's eligibility determinations. It could act in relative concert with the major powers in private accrediting, as symbolized by the presence on the AIES Advisory Committee of the staff directors of NCA and FRACHE. Afterwards, AIES has had to contend, on the one hand, with more openly critical forces in the office of the HEW Secretary and certain quarters of OE, and, on the other, with the possibility of open rebellion by accrediting agencies against "government control." The November 1971 draft Newman report signalled the disagreement with the AIES philosophy by HEW staff with too much power to be ignored; that staff delayed issuance of Commissioner John Ottina's revised criteria for recognition which had been scheduled for publication in the Federal Register in August 1973. The October 1973 report, "National Policy and Higher Education," confirmed that the Newman group adhered to its earlier position that eligibility for federal programs should be separated from accreditation.[53]

The restiveness of the accrediting establishment at the tightening yoke of government regulation increased after the terms of Dickey and Burns on the AIES advisory committee ended in 1970 and Acting Commissioner Muirhead dispatched the letter, in August 1971, informing all recognized agencies that "discrimination...adversely affects the quality of...education...." By the fall of 1971, the once cordial relations between NCA and AIES staff--John Proffitt, Frank Dickey, and Jerry Miller, Proffitt's successor as NCA assistant director, were all members of the University of Kentucky cabal to dominate national accrediting--had grown cooler. Dickey and Miller prepared a paper on "Growing Federal Involvement in Nongovernmental Accreditation: Where Should the Line Be Drawn?" which stung AIES staff, as did the convening, early in 1972, of a conference, to which they were not invited, at which NCA-recognized agencies discussed their relations with the government. The paper saw in OE's "growing influence in the affairs of nongovernmental accrediting agencies" the danger of "the federal government gaining a beachhead in establishing educational standards and practices."[54]

Attacked by some in HEW for being in league with accrediting agencies, AIES staff now found themselves attacked by others for attempting to control them. How could both charges be true? Nonetheless, there was, we believe, truth in both. If relations between NCA and AIES staff had deteriorated, it was with good cause: each was competing for a position of primacy in regulating and representing private accrediting. AIES had made notably more progress in that endeavor, and, since the departure of Dcikey from the AIES advisory committee, NCA no longer played its former part in shaping AIES policy or gained immediate knowledge of it. The efforts to unite FRACHE and NCA and to broaden their constituencies, which has led to the formation of the Council on Postsecondary Accreditation, represented a response by the private sector to the very real threat of government control.

William Selden had proposed that "a completely reorganized National Commission on Accrediting...serve...as the Advisory Committee on Accreditation for the U.S. Commissioner of Education...." The paper by Dickey and Miller ended on the same vain note.[55] The suggestion is vain because it is too naked. The private sector may ultimately control much of government--is that not the meaning of democracy?--but to institutionalize that control, to make it immediate rather than ultimate is to convert legitimate influence into illegitimate power and, thereby, to usurp the function of government. The thin line between the advisory committee's "advice" and the commissioner's official role in setting government "policy" has been overstepped too often by the commissioner, in his unwise, routine invocation of the committee's advice as the basis of his action, to remain convincing.

Much as critics from Samuel Capen to Lloyd Elliot, James Koerner, and Frank Newman have, for (among others) excellent reasons, excoriated accreditation, they have nothing better to put in its place. Some of the foremost current critics of accrediting have privately conceded that to us.

A number of accrediting agencies, for their part, would like to be free of intrusive government reviews and the nagging obligation to respond, or appear to respond, to goads and questions from AIES staff that may derive from any source: the staff itself, its advisers, the upper echelons of HEW, the public, or Congressmen and, via them, any citizen and, of course, well-informed enemies in rival agencies, factions, and unaccredited institutions. Some agencies, such as North Central in its late, curt response to the refund policy admonition, have gone to the brink of noncooperation. Federal money and the uncertainty of what would happen next have stopped them there--thus far. The regionals could most readily throw off the OE yoke and gain strength by doing so; they would need a fit cause and a united resolve.

Undercurrents of annoyance, a jockeying for advantage, and occasional disputes should not be mistaken for deep-rooted conflict. The accord between AIES and accrediting agencies runs far deeper than any discord. The agencies most hostile to AIES are those not yet bound by its shackles: those not yet recognized or not recognized for all programs. The distrust of accrediting agencies is directed less at AIES or OE than at government forces which neither can control.

A number of agencies have sought the commissioner's recognition for its prestige, deriving no direct federal funds thereby, though some public and private rewards may follow indirectly from this mark of good standing. In some cases, they had also gone to NCA and been turned away. Naturally, they are grateful to AIES.

Other agencies go their own way. "Some...want to have as little to do with us as possible, and we leave them alone," says an AIES staff member. The secretary of one such agency--an important one, which has had serious trouble with AIES--says, "We are just not much concerned about OE. We answer their letters. We've not been at the public trough, so these things seem academic to us." Not entirely academic however: the agency has taken some major steps to comply, or appear to comply, with OE injunctions.

Agencies immobilized by conservatism and political and financial weakness--the institutions and associations which finance accrediting have many other things, which they deem more important, to spend money on--may find AIES an irritant. But the largest block of agencies perceive it as an ally. An ominous government notice requiring compliance by a given date--or else!--can help to gain funds and support for accrediting from association members and officers who are indifferent, recalcitrant, or otherwise preoccupied. AIES serves the same function for accrediting agencies that they serve for accredited institutions and programs, giving them a weapon of unknown strength (will it fizzle or burst?) with which to improve their status. This function is explicitly recognized by agency and AIES staff. Thus, the director of a major professional agency remarked, "There are four or five points in the [1974] criteria we do not now comply with. We intend to use this document [the new criteria] to make some changes in our organization, which we have wanted for a long time." He then added, jokingly, "We intend to place the blame, of course, on the Office of Education."[56] "All of us in specialized accreditation use you [AIES] to exact exchanges from our associations. The new criteria are very beneficial for that reason," he repeated during an appearance before the AIES advisory committee.[57] AIES staff members endorse this use of the recognition process. "We try to strengthen the accrediting agencies, because if they are not strengthened, the federal and state agencies will have to step in more to fulfill their legal obligations," one said.[58] "One reason this rating [of an accrediting agency] is so low," the advisory committee was told on one occasion, "is to give the [agency director]...clout to get improvement out of the [professional] society. Our low rating should not be taken as a reflection on the [director]...."[59]

We would be sorry if too much emphasis were placed on conflict between accrediting agencies and AIES, FRACHE secretary Norman Burns told a June 1972 meeting of accrediting agencies. "We are both in the same camp," united against those [such as the Newman task force] who would give greater power to the government.[60] Agency spokesmen say that they have confidence in present AIES staff; were the staff to change, relations with the government might deteriorate. "Ninety percent of regulation is the agreement you work out in somebody's office," said an agency counsel. "The fly in the ointment is the pressure of the consumer movement for full and open dealings in the regulatory area. Someone is going to put that kind of pressure on OE and our option for dealing in private with OE will be reduced."[61]

Norman Burns was, we believe, right. Recognized agencies and OE have been "in the same camp." OE is in the same camp because it has no other camp to be in. Having tied the eligibility of degree-granting institutions predominantly, and that of proprietary institutions exclusively, to accreditation, it has no practical alternative to relying upon accrediting agencies, be they technically good or appalling. The injunctions and admonitions have a hollow core. No recognized agency has yet had its recognition withdrawn, nor, under prevailing policies, can the commissioner long withdraw recognition from an agency whose accreditation establishes the eligibility of a considerable number of institutions. He might painlessly withdraw recognition from the agencies which serve no eligibility function; he can withhold recognition from a new applicant; but until he establishes an alternative to accreditation for eligibility purposes, he must rely on the agencies which confer it. Two examples may illustrate the point.

The commissioner has repeatedly found the American Medical Association in non-compliance with various criteria; he has refused to recognize its accrediting in many new fields; and AIES staff have pressed inquiries into several charges and accusations against AMA and its collaborating agencies. But where would OE be without the AMA? As things stand, AIES staff and copying machines are overburdened trying to summarize the unfathomable activities of the Council on Medical Education and its proliferating accrediting programs, each with its own obscure terminology, complicated administration, and delicate politics. Occasionally, AIES staff have made mistakes, which they have acknowledged, in assessing a particular program's compliance with some criteria for recognition. The AIES Advisory Committee is likewise overtaxed trying to comprehend all the complicated, interlinked issues in allied health accrediting. Its December 1973 meeting was crowded with some twenty representatives from these agencies. To have each merely recite his name and briefly explain his responsibilities would consume time better devoted to substantive issues: but how can any lay group come to grips with these issues in the brief time available? For better and worse, OE, like the nation, is dependent upon the AMA; admonition and talk of withdrawing recognition is empty without a viable alternative to its accrediting.

Our second example concerns an agency which has been in repeated trouble with AIES, state officials, and consumer protection groups. It is safe to say, on the basis of a record established over many years, that the accreditation it has conferred has afforded inadequate protection to many students; worse, that it has caused many students loss and injury. (The same could be said of other recognized agencies.) AIES is fully aware of this record, which has involved repeated violations of accrediting standards by accredited schools. The advisory committee has discussed the resultant problems on several occasions; the commissioner has given the agency repeated warnings--and repeated extensions of recognition. In one short period, officials of one state alone filed seventeen complaints with OE against schools accredited by the agency.

In mid-1973, members of the agency's accrediting commission were charged with a conflict of interest; a special inquiry was launched by AIES and a special appearance was made by commission members before the AIES Advisory Committee. AIES director John Proffitt sent a special letter to the commission secretary calling his attention to a long list of serious problems which gravely concerned federal and state officials, including evidence of malpractice by accredited schools, the agency's failure to enforce its standards, and the consequent widespread victimization of students and waste of government funds. In our opinion, no agency with such a record, applying for initial recognition, could possibly receive it. Agencies have been denied recognition for far less serious derelictions, because they missed several steps in the authorized accrediting quadrille, with no sign that students suffered thereby. Nonetheless, this agency (and it is not unique) has remained recognized by the commissioner because he has no alternative to recognizing it. His use of accreditation cannot be a free choice, and his review of applications for renewal can be a charade, unless an alternative means of eligibility is available.

Shocked at what he learned in a study of proprietary schools in Texas, one young lawyer, Mark Berry, concluded in 1970 that "To prevent the continued misuse of federal funds, the United States Commissioner of Education should withdraw approval of ACBS as a nationally recognized accrediting body."[62]

All sorts of reasons can be found why recognition has never been withdrawn from an agency, but all remain unconvincing. It might simply be said that OE has become so addicted to accreditation that it cannot face the symptoms of withdrawing recognition. The commissioner could not, some contend, withdraw recognition without punishing many innocent schools for the sins of the guilty, and until 1972, he had no authority to withdraw eligibility from accredited schools guilty of flagrant malpractice. That is hard to believe, but that is what is asserted: that the law prevented HEW from stopping fraud: that the law prevented good management. However, now that the law has given the commissioner explicit authority to withdraw eligibility from an accredited school, he has yet (October 1974) to exercise it.

AIES staff have, in fact, envisaged what might be done should the commissioner ever be forced to withdraw recognition from an important agency. Eligibility for the accredited schools would be extended for a period. During that period, it can be expected, the agency would (assisted by some of the best national authorities and AIES staff) rapidly transform itself into a very model of a model accrediting agency. It would then reapply for recognition and, after executing the appointed quadrille, what could the commissioner do but grant recognition? A similar series of events has already occurred, in which a highly suspect agency was, at great cost and labor, converted into a highly model one. The same personages figured in both agencies.

Berry believed that OE "has become subservient to the interests it is supposed to regulate."[63] That was an overstatement; another young lawyer, Matthew Finkin, has concluded that the commissioner is not supposed to regulate accrediting agencies at all, without specific statutory instruction.[64] It is more correct to say that OE and accrediting agencies have become interdependent; neither is free, because each has bound itself to the other: no recognized agency has declined to undergo review, and the commissioner has declined to use alternative means of rendering schools eligible. Hence the unholy marriage, dangerous to both parties, failing adequately to protect students and the public while endangering the independence of accrediting agencies.

Notes

1. "While the Office of Education now seeks to make accrediting agencies responsive to the public interest 'as opposed to parochial educational or professional interest' the legislative histories make it abundantly clear that the system of federal reliance was based on those agencies functioning precisely in the 'service of the narrower educational community.' Thus any alteration in the system so established requires congressional action" (Matthew W. Finkin, "Federal Reliance on Voluntary Accreditation: The Power to Recognize as the Power to Regulate," Journal of Law and Education, July 1973, pp. 374-5).

2. Ibid., p. 372.

3. April 1, 1974 letter from Matthew W. Finkin.

4. December 21, 1967 memorandum of Associate Commissioners Ralph C.M. Flynt and Peter P. Muirhead to Commissioner Harold Howe II, "Accreditation Review and Institutional Eligibility under OE Programs."

5. The statement on "Definition of the Scope of Recognition Granted to Each Accrediting Organization" adopted by the commissioner in May 1969 stated:

"The Commissioner of Education is required by law to grant recognition to those accrediting bodies which he determines to be reliable authority as to the quality of education or training offered and to publish a list of those recognized associations and agencies. Since this list does not specify the category of schools or programs for which the accrediting agencies are recognized to accredit, it is possible for the accrediting agencies to enlarge their accreditation activities to include additional categories of training. This sometimes results in a situation where two or more accrediting agencies ultimately accredit the same category of schools. For instance, the National League for Nursing and the National Association for Practical Nurse Education and Service, Inc., both accredit practical nursing schools. Another result may be seen in the case of the National Association of Trade and Technical Schools which was recognized on the basis of its accreditation of trade and technical schools, but has now begun to accredit paramedical schools and programs.

"Therefore, in each instance where the Commissioner grants recognition or renewal of recognition to an accrediting agency or association, he will specifically define the scope of such recognition. The accrediting agency is, however, always free to enlarge its scope of recognition. The agency is required to file a notification of intent to enlarge its program of accreditation. This statement should enumerate its proposed procedures and standards for accreditation. After review by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, the agency will be notified of the Commissioner's decision regarding recognition of its expanded scope of operations. Lack of such recognition, of course, would still not deny the accrediting organization the right to proceed with its expansion, if so desired."

6. Summary of twenty-two recommendations and actions of the Advisory Committee on Accreditation and Institutional Eligibility at its September 16-17, 1968 meeting, all subsequently approved by the commissioner (Accreditation and Institutional Eligibility Staff, undated, 7 pages offset).

7. "Comparison of Lists of Nationally Recognized Accrediting Agencies Issued by USOE and NCA," National Commission on Accrediting Reports, September 1966, p. 1.

8. October 25, 1968 form letter of information from John R. Proffitt...to accrediting agency staff and other interested persons (3 pages, offset).

9. Accreditation and Institutional Eligibility Staff, "Procedures for Recognizing Bodies as Nationally Recognized Accrediting Agencies and Associations," February 26, 1969 and "Procedures for Periodic Evaluation of all Accrediting Agencies and Associations Recognized by the U.S. Commissioner of Education," May 1969.

10. Harold Howe II, U.S. Commissioner of Education, Policy Statement, "The Role of Voluntary Accreditation in the United States," November 19, 1968.

11. Communication of October 1973 commenting on our questionnaire to accrediting agencies.

12. Discussion of proposed new criteria at a meeting between staff of AIES and agencies accrediting in the health and allied health areas, Washington, D.C., June 7, 1972.

13. March 26, 1970 memorandum to Dr. James E. Allen, Jr., U.S. Commissioner of Education, from Frank G. Dickey, Chairman, Advisory Committee on Accreditation and Institutional Eligibility.

14. April 28, 1974 letter to Harold Orlans.

15. January 13, 1972 letter from Glen R. Leymaster to John R. Proffitt.

16. Remarks at a meeting of allied health accrediting agencies to discuss proposed new criteria for recognition, Washington, D.C., June 7, 1972.

17. September 26, 1972 letter from Proffitt to Dr. C.H. William Ruhe, Secretary, Council on Medical Education, American Medical Association.

18. That, at least was our impression based upon the manifest antagonism between rival agencies accrediting the training of laboratory technicians, practical nurses and computer programmers. However, a reader from a state education agency disputes this, writing, "Our experience indicates that the proprietary agencies have carefully partitioned the field by prior agreement. The present realities convince me that there is no competition among agencies."

19. "The USOE staff voiced concern that proprietary schools which have not received some form of institutional accreditation...are being considered for AMA approval of specific allied health programs.... In the event that reports were received concerning administrative mismanagement of a student loan program--or failure to maintain ethical standards--in a school that had not received institutional accreditation, the Office of Education would be placed in an extremely difficult position.... For this reason, the Office of Education cannot extend funding eligibility status to proprietary schools which have AMA-approved programs but which have not received institutional accreditation through a recognized agency.

"Dr. Ruhe indicated that negotiations are underway with the National Association of Trade and Technical Schools...to coordinate joint accreditation efforts. These discussions, however, have not been completed" (Minutes of an AMA - AIES staff meeting, Chicago, August 1, 1973).

The discussions had been going on since at least 1971.

20. Frank G. Dickey, "Accreditation News and Views -- Some Good, Some Bad," address to Southern Association of Colleges and Schools, Atlanta, November 30, 1971.

21. The Accrediting Bureau of Medical Laboratory Schools, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, the National Association of Trade and Technical Schools, and the National Home Study Council.

22. Mark Curtis, chairman, "Report of the Committee on Proprietary Education," Federation of Regional Accrediting Commissions of Higher Education, August 25, 1972 (offset).

23. October 26, 1972 letter of Robert Kirkwood to the Commissioner of Internal Revenue and January 10, 1973 reply to the Federation of

Regional Accrediting Commissions of Higher Education from Milton Cerny, Chief, Ruling Section, Exempt Organizations Branch, Internal Revenue Service.

24. August 29, 1973 letter to Federation of Regional Accrediting Commissions of Higher Education from J.A. Tedesco, Chief, Exempt Organizations Branch, Internal Revenue Service.

25. Donald C. Alexander, Commissioner of Internal Revenue, remarks propared for delivery before the American Society of Association Executives, New Orleans, August 29, 1973.

26. Frank G. Dickey, Annual Report of Executive Director, National Commission on Accrediting, March 16, 1970, p. 4; bracketed insert, August 1972 interview with NCA representative.

27. J.B. Lon Hefferlin, "The Past--A Historical Sketch," in National Commission on Accredition, The Past and the Future, National Commission on Accrediting, Washington, D.C., 1965, p. 10.

28. Thomas Ginley, remark at National Commission on Accrediting annual meeting in Chicago, April 5, 1973.

29. "Institutions Urged to Comply with NCA Recognized List," Reports, National Commission on Accrediting, November 1971, p. 2.

30. Samuel P. Capen, "Seven Devils in Exchange for One," 1939 address reprinted in The Management of Universities, Foster and Stewart, Buffalo, N.Y., 1953, pp. 256-70.

31. Minutes of AMA - USOE staff meeting, Chicago, August 1, 1973.

32. William A. Kaplin, "Comments," Workshop, Due Process in Accreditation, sponsored by the U.S. Office of Education and the National Commission on Accrediting, May 18, 1970 (offset).

33. Workshop, Due Process in Accreditation, ibid.

34. William A. Kaplin and J. Philip Hunter, "The Legal Status of the Educational Accrediting Agency," Cornell Law Quarterly, Fall 1966, p. 114.

35. In December 1972, proprietary school agencies were faced with "a very heavy load of appeals," according to one informant. In contrast, Puffer and his associates report that of 952 accrediting decisions by regional commissions, only six were appealed, all in the North Central region. "Of these appeals only one was successful in overturning the original decision of the commission..." (Claude E. Puffer et al., Regional Accreditation of Institutions of Higher Education, July 1970, FRACHE, Chicago, Vol. I, p. 247).

36. Many authorities believe that the Court of Appeals judgment was wrong; and, as has been noted, the regionals have been moving voluntarily to render for-profit colleges eligible for accreditation. Donald Baker, Director of Policy Planning for the Antitrust Division of the Department of Justice, writes, "I personally think that this case [Marjorie Webster] was decided wrongly....The association's flat refusal to consider Marjorie Webster for membership seems entirely inconsistent with the Supreme Court's decision in Silver v. New York Stock Exchange, which require procedural due process for exclusion" ("Antitrust and the Non-Profit Organization," Non-Profit Report, March 1973, p. 17).

37. Kaplin and Hunter, op. cit., p. 108, footnote.

38. November 5, 1973 letter from Kenneth Jernigan to John R. Proffitt.

39. September 27, 1973 letter from Kenneth Jernigan to Harold Orlans, and March 22, 1973 letter from Harold F. Eberle, Congressional Liaison, Office of Management and Budget, to Honorable Norris Cotton, United States Senate.

40. H. Thomas Ballantine, M.D., "Statement of the American Medical Association," March 28, 1973; and "Presented by the Council on Chiropractic Education to Advisory Committee on Accreditation and Insitutional Eligibility," March 28, 1973.

41. June 7, 1972 Washington, D.C. meeting of AIES staff with staff of agencies accrediting in allied health fields to discuss proposed criteria for recognition.

42. July 26, 1971 letter from Elmer R. Jennings, M.D., President, American Society of Clinical Pathologists, to The Honorable Elliott L. Richardson, Secretary, Department of Health, Education, and Welfare; December 19, 1973 telephone conversation with ASCP counsel John D. Conner; and February 14, 1973 letter from John R. Proffitt to Mr. Bernard D. Hirsh, General Counsel, American Medical Association.

42a. Cf. a September 25, 1972 letter from an AIES staff member to Thomas Louden, owner of the Brainerd Beauty College, Brainerd, Minn., stating "I urge you to apply for accreditation by the Cosmetology Accrediting Commission."

43. Harlan Cleveland, "The Muscle-Bound Academy," Management Forum March 1973. Cf. Francis Canavan, "The Process That Is Due," Journal of Higher Education, February 1973, pp. 114-23.

44. July 25, 1972 letter from Frank G. Dickey to John R. Proffitt.

45. "It is wholly appropriate that the accrediting agency include the matter of refund policy among the evaluative criteria on which it bases its judgments of institutional quality....However, if a performance standard such as a requirement that the institution maintain a particular type of refund policy is to be set forth, not as one of many indicators of quality but as a requirement to be met as a matter of soical policy, it must be set up and enforced by USOE as a condition for eligibility for funding" ("Relationships of Institutional Accrediting Agencies and the USOE," FRACHE statement, October 1970).

46. Leslie W. Ross, "The Role of the U.S. Office of Education in Accrediting," address to the annual conference of the National Home Study Council, Scottsdale, Arizona, April 29, 1969 (National Home Study Council News, June 1969 Supplement).

47. Remarks at a November 10, 1972 meeting in Chicago of staff of AIES, The AMA Council on Medical Technology.

48. See Alan Pifer, "The Quasi Nongovernmental Organization," Annual Report, Carnegie Corporation of New York, 1967.

49. Louis G. Geiger, Voluntary Accreditation: A History of the North Central Association, 1945-1970, North Central Association of Colleges and Secondary Schools, George Banta Co., Menasha, Wisconsin, 1970, p. 152.

50. Paul Starr, with Jim Henry and Ray Bonner, Troubled Peace, An Epilogue to Vietnam, The Nader Report on Vietnam Veterans and the Veterans Administration, Center for the Study of Responsive Law, Washington, D.C. (preliminary draft, offset), 1973, Chapter IX, p. 49.

51. The Federal Interdepartmental Committee on Education (FICE) task force on educational consumer protection, chaired by AIES director Proffitt, defines the consumer almost indistinguishably from the "public": "Directly or indirectly almost everyone is a consumer of educational services today. Students and their parents are perhaps the most obvious members of this consumer constituency. Teachers and school administrators as well as professional educators are recipients of educational services, as well as the suppliers of such services. Local and state governmental agencies, the Federal Government, business corporations, and private foundations are also important members of this diverse consumer group" (FICE Task Force on Educational Consumer Protection, Discussion Paper, January 24, 1972).

52. "NAC--and Federal--standards for sheltered workshops provide that workers be paid at least the applicable minimum wages as required by law. In the case of workers who, by reason of their handicaps, cannot and do not produce work of comparable amount or quality to competitive norms, the Congress has enacted legislation specifying the manner in which wages shall be set. Such workers must be paid at least the minimum wage specified for their work by the

U.S. Department of Labor. NAC does not accredit workshops that do not meet these standards" (Alexander F. Handel, Executive Director, National Accreditation Council, July 20, 1973 letter to Harold Orlans).

53. See "Agenda for Reform: H.E.W. Task Force Recommendations," The Chronicle of Higher Education, October 29, 1973, p. 7.

54. The paper, prepared in January 1972, was published with minor revisions as "Federal Involvement in Nongovernmental Accreditation," in the Educational Record, Spring 1972, pp. 138-42.

55. See William K. Selden, "The Accrediting Game: Who Calls the Plays?" Liberal Education, May 1972, pp. 245-6.

56. Remarks at a July 11, 1972 meeting of specialized agencies in the Embassy Row Hotel, Washington, D.C.

57. Remarks during an August 1972 session of the AIES Advisory Committee.

58. Novmeber 10, 1972 interview.

59. Remarks by AIES staff member at a December 1972 session of the AIES Advisory Committee.

60. Remarks of Norman Burns at June 5, 1972 meeting in the Mayflower Hotel, Washington, D.C., called by accrediting agencies to discuss proposed criteria for recognition; AIES director John Proffitt was also present.

61. Remarks at a July 11, 1972 Washington, D.C. meeting of specialized accrediting agencies.

62. Mark Berry, "The Proprietary Vocational School," Texas Law Review, 1970, p. 115.

63. Ibid., p. 114.

64. See Matthew Finkin, "Federal Reliance on Voluntary Accreditation: The Power to Recognize as the Power to Regulate," Journal of Law and Education, July 1973, pp. 339-75.

E. The View from the Accrediting Agencies

Summary

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Accrediting agencies vary greatly in size, purpose, and importance. It is a mistake to treat them all--the North Central commission, which, in the fall of 1973, accredited 677 colleges and universities in 19 states, and the National Association for Industrial Technology, which had yet to accredit its first program--alike, and their experience as of equal importance. That mistake is almost inevitable in a survey such as we conducted of the 58 accrediting agencies recognized by the Commissioner of Education and/or the National Commission on Accrediting. It should be kept in mind in interpreting the responses reported in this chapter.

Recognition is valued for the status and tangible benefits it may bring, but accrediting is not contingent upon it. Accrediting long antedated the beginning of formal recognition by OE and NCA in the 1950s; much accrediting (by both recognized and unrecognized agencies) thrives without recognition by OE or NCA (both of which confine their recognition to designated agency programs). Most educational programs derive no eligibility benefits from accreditation, since OE policy hinges eligibility upon institutional, not program, accreditation.

Most respondents regarded NCA and OE criteria for recognition as clear and reasonable and their review procedures and policies as fair and reasonable. However, many criticized the slowness of OE review and the composition of NCA and of the AIES Advisory Committee, wanting more representation on these bodies of professional, vocational, and proprietary education and more direct contact with the AIES Advisory Committee.

The regionals and some specialized accrediting agencies disclaim responsibility for receiving public complaints, except in the few cases when they reflect on the accreditability of a school or program. Other specialized agencies and those accrediting proprietary schools will investigate complaints against accredited schools, most of which come from students, faculty, and other schools. Though the service thus rendered is better than no service at all, it is not adequate to prevent or rectify educational malpractice and misrepresentation. However, accreditors take a notably sanguine view of the educational world: only 6 of 51 respondents felt that misrepresentations in catalogs, advertising, or recruiting were a significant problem at any of their accredited schools.

Most respondents liked the present linkage of accreditation and eligibility and would extend it to other programs such as veterans benefits. At the same time, they would like OE to relax its review of their operations or delegate it to a private body such as a reorganized NCA representing a broader range of postsecondary educational interests. Their overall position seemed to be: accreditation is our best widespread test of educational quality; accredited schools should be eligible for government programs; and accrediting agencies should be trusted to accredit without undue government scrutiny. Despite a favorable attitude toward the AIES staff, it was a government staff and the government should utilize and/or promote, not control, regulate, or inspect accreditation.

The present chapter will examine the government's recognition and use of accrediting agencies as viewed by agency representatives. Since we shall rely in large measure on their responses to our questionnaire, distributed in September 1973, something more should be said about this.

One cannot talk of accrediting agencies in one breath. The regionals are established and yet sensitive: they stand on their dignity, while responding slowly to outside forces; they bring to mind the dinosaur who, hit in the tail, says "ouch" a week later. The agencies accrediting proprietary schools are making it; open and cooperative with OE in public and subtly resistant, when necessary, in private, they know their way around Washington and state capitals and can teach some things to the lobbyists in One Dupont Circle. The professional accrediting agencies are much and little, powerful and weak, inescapable and inconsequential. In 1973, the Council on Medical Education of the American Medical Association accredited 2,693 programs at 1,747 schools; the National Council for the Accreditation of Teacher Education, 2,620 programs at 524 schools; and the Engineers Council for Professional Development, 1,522 programs at 495 schools. The Council on Podiatry Education accredited 5 schools; the American Osteopathic Association, 8 schools; and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 14. Spokesmen for some professional agencies are caustic about the incompetence of AIES staff and hostile about their presumptuousness; others praise AIES for strengthening the quality, independence and importance of accrediting.

It was important, we thought, to ask all recognized agencies about the use of accreditation for eligibility purposes and their experience with AIES recognition procedures, not just to gain information but also to give them a formal opportunity to record their opinions about government policies and practices which affect them. Yet it is difficult to prepare a common set of questions for agencies with such varied character, purposes, and circumstances, and unwise to treat all responses as of equal weight. Survey statistics are a great equalizer, and the pledge of anonymity precludes the identification of individual respondents or agencies except for their answers to three sets of questions (dealing with the number of schools and/or programs accredited, the normal period of accreditation, and the eligibility of proprietary schools for accreditation) which, they were explicitly advised, might be reported.

Respondents were promised that "Answers to all other questions will be seen only by the project staff....and will not be ascribed to an identified person or agency without written permission." Despite this assurance, four staff directors sought, and were given, personal assurance of confidentiality before responding. It may be assumed that many others replied with discretion.

Survey forms were mailed to 58 agencies early in September 1973 and returned by all, by early November. Thirty-one agencies were recognized by both the Commissioner of Education and the National Commission on Accrediting; twenty-four by the commissioner alone; and three, by NCA alone. However, by common consent, the AMA Council on Medical Education replied, on a single form, for itself and six agencies collaborating with it in allied health accrediting: the American Medical Record Association, the American Physical Therapy Association, the Joint Review Committees for Radiologic Technology and Respiratory Therapy, the Board of Schools of Medical Technology, and the American Occupational Therapy Association. The last two agencies also submitted their own forms. Thus, the maximum number of responses to various questions was 52, 54, or 58. Separate forms were sent to all ten regional accrediting commissions recognized by the commissioner. Those from the seven commissions of higher education were returned in a packet by FRACHE director Robert Kirkwood, who also kindly submitted his answers to many questions and granted permission to quote them.

The questionnaires were sent to the staff director of each recognized agency. Six forms, all from specialized agencies, were completed in whole or part by the accrediting commision chairman, and nine were completed (or, more precisely, signed) by two or more persons.

The Number of Accreditations

Table 1 reports the number of programs and/or schools accredited by the 58 agencies in the fall of 1973, the net number added since the fall of 1972, the normal period of accreditation, and the year each agency was first recognized by the commissioner and NCA.

The statistics on the number of programs and/or schools accredited look crisp and clear--until one looks more closely. We asked, "How many programs and/or schools are now accredited by your agency? (Thus, if 3 programs are accredited at each of 30 schools, the answer should be 90 programs at 30 schools. If your agency accredits only schools or institutions, enter only the number of schools.)" The effort to identify, respectively, the number of programs and of separate institutional sites, was only partly successful, as an inspection of individual responses will indicate. A more accurate and complete account would require a separate survey, with careful definitions of "program" and "school," and a distinction between "schools" (of law, forestry, nursing, etc.) which are, and are not affiliated with a larger educational or business enterprise. Thus, the total number of separate program accreditations given in the table is incomplete, while that of institutions cannot be accurately determined from the data. However, these 58 agencies accounted for a minimum of 29,895

Table 1
Number of Accredited Programs and/or Schools, Period of
Accreditation, and Year of Recognition of 58 Agencies, 1973

Accrediting Agency	Number of		Number added, 1972-73		Normal Period of Accreditation (years)	Year of First Recognition by	
	Programs	Schools	Programs	Schools		NCA	OE
58 Agencies	19,660	10,878	691	425			
7 higher commissions	-	2,206	-	82			
3 other regionals	-	679	-	34			
1 New York Regents	8,100	234	250	20			
5 proprietary school agencies	59	1,691	12	129			
42 specialized agencies	11,501	6,068	429	160			
Higher commissions							
1. Middle States		393		2	10	-	1952
2. New England		177		7	?	-	1952
3. North Central		677		38	10 max.	-	1952
4. Northwest		110		5	5&10	-	1952
5. Southern		626		23	10	-	1952
6. Western, Senior Colleges		117		5	10	-	1952
7. Western, Junior Colleges		106		2	5-10	-	1952
Other regionals							
8. New England, Secondary		570		3	10	-	1973
9. New England, Vocational		45		1	10	-	1973
10. Southern, Occupational		64		30	5	-	1972
11. New York Regents	8,100	234	250	20	5	-	1952
Proprietary School agencies							
12. Accrediting Bureau	59	43	12	11	6	-	1969
13. Business Schools		507		8	6	-	1956
14. Cosmetology		547		37	5	-	1970
15. Trade Schools		406		66	5	-	1967
16. Home Study		188		7	5	1973	1959

Accrediting Agency	Number of Programs	Number of Schools	Number added, 1972-73 Programs	Number added, 1972-73 Schools	Normal Period of Accreditation (years)	Year of First Recognition by NCA	Year of First Recognition by OE
Specialized agencies							
17. Architects	76	76	3	3	5	1956	1952
18. Art		52		3	10	1956	1966
19. Bible		53		1	10	-	1952
20. Blind		14		1	5	-	1971
21. Business Colleges	163	163	6	6	5-10	1956	1952
22. Chemical	501	501	20	20	3	1956	1952
23. Clinical Pastoral		300		14	7	-	1969
24. Dental	778	495	18	15	7	1956	1952
25. Engineers	1,522	316	103	17	6	1956	1952
26. Foresters		39		1	10	1956	1952
27. Funeral Service	26	26	2	2	5	-	1972
28. Home Economics	9		6		5-?	1971	-
29. Hospital Administration	34	34	1	1	4-5	1970	1970
30. Industrial Technology	0	0	0	0	1-6	1973	-
31. Journalism	116	61	7	0	6	1956	1952
32. Landscape Architects	34	34	6	6	5	1957	1971
33. Law (AALS)		125		1	ca. 7	1960	-
34. Law (ABA)		152		2	7	1956	1952
35. Library	58	51	0	0	4-6	1956	1952
36. Medical Colleges (AMA-AAMC)	114	114	1	1	7	1960	1952
37. Medical (CME, AMA)	2,693	1,747	36	27	3-4	1964	1952
38. Medical Record						(1964)	(1956)
39. Medical Technology	(1,075)	(951)	(-23)	(-26)	(5)	(1964)	(1956)
40. Occupational Therapy	(75)	(75)	(7)	(7)	(5)	(1964)	(1956)
41. Physical Therapy						(1964)	(1956)
42. Radiologic Technology						-	(1956)
43. Respiratory Therapy						-	(1972)
44. Music	1,201	397	45	15	10	1956	1952
45. Nurse Anesthesia	205	205	- 7	- 7	4	-	1955
46. Nursing	954		117		8	1956	1952
47. Optometric	18	15	1	0	5	1956	1952
48. Osteopathic	7	8	0	1	6	1967	1952
49. Pharmaceutical		73			6	1956	1952
50. Podiatry		5		0	5	1969	1952
51. Practical Nurse	50	49	0	0	5	-	1967
52. Psychological	121	97	3	3	5	1961	1070
53. Public Health	6	19	0	0	5	1956	1952

Accrediting Agency	Number of		Number added, 1972-73		Normal Period of Accreditation (years)	Year of First Recognition by	
	Programs	Schools	Programs	Schools		NCA	OE
Specialized agencies (cont'd)							
54. Social Work		85		0	10 max.	1960	1952
55. Speech and Hearing	86	84	11	11	2-5	1964	1967
56. Teacher	2,620	524	50	9	10	1956	1952
57. Theological		135		7	10	1960	1952
58. Veterinary		19		0	5	1956	1952

Source: Survey of accrediting agencies, September - November 1973. Dates of initial recognition verified with NCA and OE. The full name of all agencies, here abbreviated, is given in Table 1 a.

Table 1 a

58 Recognized Accrediting Agencies

This list presents the full names of the 58 accrediting agencies recognized by the Commissioner of Education and/or the National Commission on Accrediting as of the summer of 1973. The order of listing follows that of Table 1, in which the names are abbreviated.

Higher commissions

1. Middle States Association of College and Secondary Schools, Commission on Higher Education
2. New England Association of Schools and Colleges, Commission on Institutions of Higher Education
3. North Central Association of Colleges and Secondary Schools, Commission on Institutions of Higher Education
4. Northwest Association of Secondary and Higher Schools, Commission on Higher Schools
5. Southern Association of Colleges and Schools, Commission on Colleges
6. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities
7. Western Association of Schools and Colleges, Accrediting Commission for Junior Colleges

Other regional commissions

8. New England Association of Schools and Colleges, Commission on Public Secondary Schools
9. New England Association of Schools and Colleges, Commission on Vocational Technical Institutions
10. Southern Association of Colleges and Schools, Commission on Occupational Education Institutions
11. The Board of Regents of the University of the State of New York, the State Education Department

Proprietary School Agencies

12. Accrediting Bureau of Medical Laboratory Schools
13. Association of Independent Colleges and Schools, Accrediting Commission
14. Cosmetology Accrediting Commission
15. National Association of Trade and Technical Schools, Accrediting Commission
16. National Home Study Council, Accrediting Commission

Specialized agencies

17. National Architectural Accrediting Board
18. National Association of Schools of Art, Commission on Accrediting
19. Accrediting Association of Bible Colleges

20. National Accreditation Council for Agencies Serving the Blind and Visually Handicapped
21. American Assembly of Collegiate Schools of Business
22. American Chemical Society, Committee on Professional Training
23. Association for Clinical Pastoral Education
24. American Dental Association, Council on Dental Education
25. Engineers' Council for Professional Development
26. Society of American Foresters
27. American Board of Funeral Service Education
28. American Home Economics Association
29. Accrediting Commission on Graduate Education for Hospital Administration
30. National Association of Industrial Technology
31. American Council on Education for Journalism, Accrediting Committee
32. American Society of Landscape Architects
33. Association of American Law Schools
34. American Bar Association, Section of Legal Education and Admissions to the Bar
35. American Library Association, Office of Library Education
36. Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges
37. American Medical Association, Council on Medical Education
38. American Medical Record Association, Committee on Education and Registration
39. Board of Schools of Medical Technology of the American Society of Clinical Pathologists and the American Society for Medical Technology
40. American Occupational Therapy Association, Accreditation Committee
41. American Physical Therapy Association, Committee on Accreditation in Basic Education
42. Joint Review Committee on Education for Radiologic Technology of the American College of Radiology and the American Society of Radiologic Technologists
43. Joint Review Committee for Inhalation Therapy Education of the American Association for Inhalation Therapy, the American College of Chest Physicians, and the American Society of Anesthesiologists
44. National Association of Schools of Music
45. American Association of Nurse Anesthetists
46. National League for Nursing
47. American Optometric Association, Council on Optometric Education
48. American Osteopathic Association, Office of Education
49. American Council on Pharmaceutical Education
50. American Podiatry Association, Council on Podiatry Education
51. National Association for Practical Nurse Education and Service
52. American Psychological Association, Education and Training Board
53. American Public Health Association, Executive Board
54. Council on Social Work Education, Division of Educational Standards and Accreditation
55. American Speech and Hearing Association, Education and Training Board
56. National Council for Accreditation of Teacher Education
57. American Association of Theological Schools
58. American Veterinary Medical Association, Department of Education and Licensure

separate accreditations. That represented an average of 515 each or, discounting the New York Regents which alone registered 8,100 programs, 382 each. Given the normal period of from 5 to 10 years between accreditation visits, that would suggest an average of from 38 to 76 annual accreditations per agency, or from under one to under two a week.

Both OE and NCA have confined their recognition to the accreditation of educational institutions and programs. (NCA considered but rejected the recognition of agencies accrediting noneducational institutions such as museums, hospitals, laboratories, laboratory animal quarters, rehabilitation facilities, and correctional institutions.) For example, in the fall of 1973, the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped accredited some 49 institutions. Of these, 14 were schools for the blind and the remainder, sheltered workshops, rehabilitation centers, libraries, and other agencies providing services to the blind. The commissioner has recognized NAC only for its accreditation of schools. Of course, the restriction of recognition to a portion of an agency's accrediting does not stop unrecognized activities: it may help them, insofar as recognition enhances the agency's professional reputation and public standing. However, the eligibility of schools or programs for federal programs is restricted to those whose accreditation has been explicitly recognized by the commissioner.

Many recognized agencies (perhaps half of the specialized agencies) conduct extensive accrediting not recognized by the commissioner or NCA. It is difficult to estimate the extent of this unrecognized activity. It extended to 2,000, perhaps many more, programs, mainly at pre-baccalaureate levels; many programs offering baccalaureate and graduate degrees, and non-degree residency and continuing education programs, were also included. NCA has sought to restrict its recognition to programs awarding a first professional degree at regionally accredited institutions. Hence, programs offered by institutions (often, free-standing professional schools) not regionally accredited have been formally outside the NCA fold. OE, contrariwise, has placed no such restriction on its recognition of program accrediting at degree-granting institutions, but has sought to confine its recognition of vocational programs (especially in allied health areas) to those offered by institutionally accredited schools.

The picture is further complicated by the fact that, at neither higher educational nor proprietary institutions is the scope of "institutional" accreditation always clear. How many new buildings and programs are necessary to transform an extension center, which does not require its own accreditation, into a new campus, which does? How many new degree or non-degree programs may or may not require a special accrediting visit, a special judgment by the "institutional" accrediting agency and, in due course, special recognition by NCA or the commissioner? (Since the regionals staunchly resist being drawn into programmatic accreditation, the reevaluation required within two years if "an institution substantially changes its nature or scope" is specifically, or ostensibly, not confined to the new educational areas. Rather, "the entire institition is reviewed rather than merely the changed features...."[1]) One specialized agency director noted that his agency "extends de facto accreditation" to certain programs not included within the scope of NCA recognition, because of "turf problems" with another recognized agency. The status of accredited Canadian programs and schools is not always clear: are they or are they not included within the scope of NCA or OE recognition? De jure, probably not; de facto, probably yes, because of the delicate balance that must be maintained between sovereignty and collaboration.

NCA - OE Comparisons

Of 27 agencies applying to both NCA and OE, 15 devoted less time to the NCA submission, 10 the same time to both, and only 2, more time to the NCA. These statistics exaggerate the time taken by applications to NCA which often scheduled its review to coincide with OE's--for 18 of the 27 agencies, the two reviews occurred within a three month period--and accepted the same material. In such a situation, many respondents allocated their labor equally to NCA and OE but their comments indicated that their submissions were geared principally to the needs of OE.

An average of thirteen months elapsed between application to OE and word of the commissioner's decision for the 24 specialized agencies providing this information; seven months elapsed for 9 regional commissions; and five months, for 4 agencies accrediting proprietary schools. (The decision on the application of 12 agencies was still pending.) In the twenty cases in which agencies reported this information for both bodies, it took NCA an average of 7 months and OE, 10 months to reach a decision.

The Importance of Recognition

Relatively more respondents regarded NCA recognition as "indispensable" and fewer as "important but not indispensable" than that of OE (Table 2). To be sure, these responses excluded some 15 agencies (primarily, the regionals and agencies accrediting proprietary schools) which, not being recognized by NCA, had effectively demonstrated that its recognition was dispensable to them. However, NCA recognition was considered vital by many agencies accrediting higher educational programs, for the prestige and legitimacy it conferred and because it eased their access to regionally accredited institutions. It was noted that NCA recognition also served

Table 2

"How important is recognition by NCA and/or OE to your agency?"

Recognition is	Agencies recognized by NCA	Agencies recognized by OE	Agencies recognized by both NCA & OE: NCA	Agencies recognized by both NCA & OE: OE
Indispensable	23	24	18	16
Important but not indispensable	9	23	9	11
Dispensable	1	1	-	-
Total	33	48	27	27

Source: Survey responses of recognized agencies, September-November 1973.

to bring specialized agencies together to defend their common interests, limit proliferation, and improve accrediting.

Federal money was cited most often as the reason why OE recognition was "indispensable," particularly for professional schools that were not regionally accredited. However, by that same token, OE recognition was dispensable to professional programs rendered eligible by their institution's regional accreditation; public institutions might also be rendered eligible by statute or by state approval.

Institutions and programs accredited by a number of recognized agencies received little or no federal money thereby. "...not all funding

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is federal; in fact, most of it is state, local, and private, and currently little federal funding is available," wrote the director of a major specialized agency. "However, most schools and institutions would prefer to be accredited by a recognized agency. [We]...will continue [our]... activities, with or without recognition from NCA and USOE. [Employers] ...will probably continue to employ products of [our]...programs, with or without NCA and USOE recognition."

The Criteria and Review Process

OE came off more poorly than NCA in the opinions expressed about the clarity and reasonableness of its criteria; the extent to which its review of applications for recognition was informed, fair, and expeditious; and the overall reasonableness of its policies (Table 3). True, some 38-40 agencies commended, and only 6-8 criticized the OE review process on five of the six points covered in our questions; 16 felt that the OE review was not expeditous. Additional comments indicated more widespread reservations about OE, and to a lesser extent NCA, review policies and practices. It should be borne in mind, responses were confined to agencies which had applied for recognition, thus excluding criticisms of NCA that might have been offered by the regionals and agencies accrediting secondary, vocational, and proprietary education.

We asked respondents to estimate the number of days' labor entailed in their most recent application to OE and NCA. The answers ranged from under a day to over a year. It appears that the amount of time invested was roughly related to the importance of recognition to an agency, the scale and complexity of its accrediting, and the difficulties anticipated.

Table 3

"Please indicate your opinion of each agency to which you have applied for recognition."

Opinion of review for recognition	NCA		OE	
	Number replying			
	Yes	No	Yes	No
a. Its criteria are all				
clear	31	2	42	8
reasonable	32	2	39	8
b. Its review is				
informed	30	1	38	6
fair	30	1	40	6
expeditious	27	5	29	16
c. Its policies are reasonable	30	2	40	6

Source: Survey responses of recognized agencies, September - November 1973; "don't know" responses omitted. Responses confined to agencies which have applied for recognition to NCA and OE, respectively.

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More time was devoted to applications for initial than for renewed recognition. On average, the regional commissions devoted 9 days and the specialized agencies, 16 days labor to their OE applications; the proprietary school agencies, an average of 103 days--the figure was inflated by two agencies which invested incredible amounts of time in their submissions. The average ratio of professional to nonprofessional labor was 4:5 for the regionals, 7:4 for the proprietary school agencies, and 10:6 for specialized agencies.

NCA criteria, some suggested, should be clearer. NCA "relies on conferences to relay the subtleties and nuances...." OE criteria were more detailed, but not, thereby, entirely clear. Some considered them decidedly "ambiguous" and complained that OE staff had failed to clarify them. "...OE makes a ruling that minimum criteria are not being met but will not advise what is required...." "Its criteria are subject to various interpretations.... Even members of the OE staff interpret certain criteria differently."

Some OE criteria, the critics believed, were unreasonable. In view of the variety of accrediting agencies, "It is almost impossible to prepare reasonable detailed criteria for everyone." Greater satisfaction was expressed with the proposed new criteria (adopted in 1974) than with their initial draft or, in certain respects, the 1969 criteria. The ethics criterion was an example: the 1969 criteria obliged agencies to "enforce"; an early draft of the revised criteria, to "require"; and the final revision, to "foster" ethical practices. "OE interpretations [of the criteria] change and several are more concerned with social issues than quality...."

OE staff, respondents from several professional agencies felt, were "remarkably uninformed" and "inept" in reviewing their work. "Those individuals that perform the review are not knowledgeable about our programs or institutions. This results in many misinterpretations and requests for superfluous data." One respondent considered that NCA as well as OE staff "lack...true knowledge of the needs, practices, motives and commitments of the profession represented by the specialized accrediting agency." NCA's review of his agency was "quite superficial," an accrediting commission chairman said. Others deemed the NCA review more insightful, if less systematic. It is easier to pull the wool over the eyes of OE staff, an agency director told us on one occasion. However, another observed, "USOE actually followed our work out into the country, visited on our teams, saw us in action. To that extent, they were better informed than NCA for which this was a paper exercise plus whatever hearsay or data individual Commission members had privately." It is normal for OE staff to accompany a visiting team as part of its review process, but unusual for NCA staff to do so, because their professional staff has consisted solely of an executive director and assistant director.

OE was criticized for failing to provide agencies with a copy of the review summary presented by staff to the advisory committee. "There was material in our letter [of recognition from the commissioner] that was never discussed with us." "In the case of NCA, we were sent a copy of the review summary prepared by the staff for consideration by the NCA Executive Committee and asked to check it for factual accuracy. We were not sent such a summary by OE."

NCA was criticized for its "somewhat passive" posture, for confining recognition largely to degree-level programs, for its restrictive attitude to new accrediting programs, and for its forture to make all of its policies open and explicit.

OE was criticized for being "questionably responsive to...small proprietary groups" -- i.e., responsive to a questionable extent--and for the advisory committee's excessive reliance on staff and insufficient direct contact with accrediting agencies. The competence of both the committee and NCA to evaluate the work of specialized agencies, when they lacked representatives from agencies' fields, was questioned. The criticism was directed at the knowledge not only of the technical content of professional education but of the nature of professional accrediting.

Communications

The great majority of respondents felt adequately informed about NCA and OE policies. However, a large minority expressed dissatisfaction with their knowledge of OE operations (Table 4). A number wanted a fuller exposition of the rationale and goal of OE policies exemplified in the new criteria. Robert Kirkwood asked, "Is the role of AIES to be a steadily expanding one? To what extent is it concerned with the interests of institutions in the recognition of specialized accrediting agencies? Is it possible that AIES would seek to build its power and position by recognizing more and more agencies?"

Several respondents suggested that OE issue a regular newsletter to inform agencies of its actions, prospective policy changes, and accrediting developments. Publication of notices in the Federal Register was not an adequate substitute. More frequent and regular reports were also requested of NCA. OE and NCA communications should go not only to agency staff but "to the individual members of the boards of directors of...accrediting agencies." The issuance of "a definitive policy book" was suggested for both bodies.

Table 4

"Do you feel sufficiently well informed about NCA and OE policies and actions?"

Response	NCA	OE
Yes	28	36
No, "yes, but," or "don't know"	4	13
Total*	32*	49*

* Responses confined to agencies recognized by NCA and OE, respectively.

Source: Responses to survey of recognized agencies, September - November 1973.

OE and NCA were praised for the conferences they had sponsored on such subjects as due process and self-study techniques. "Both agencies have done well the last few years to keep us acquainted with policy changes and other actions taken." Nonetheless, a number of respondents complained that they were informed of new policies but not consulted about them in advance. "Open meetings of the organizations including the policy-makers rather than the staff are needed."

The usefulness of a newsletter to inform accrediting agencies, state officials, and the interested public about OE actions and pertinent developments in accrediting circles seemed clear. Shortly after this study was begun, we suggested that such a newsletter be circulated, and at least two mimeographed issues have, in fact, been distributed. However, even this simple step was disputed. Was it a means of AIES aggrandizement? Should not such a newsletter rather be issued by NCA? What information should it contain and who should clear the contents? One can make better time in the Everglades than in the marshes of accrediting.

Composition of NCA and AIES Committee

We were struck by the temperateness of agency staff criticism of NCA and AIES. That being so, the criticism of the composition of NCA and the AIES Advisory Committee seems of special significance. These bodies have exercised significant power over the agencies they recognize and, plainly, many would like a share of it (Table 5).

NCA, the director of one regional association felt, was too removed from higher educational institutions; its policies were determined by the "Washington umbrella organizations"--i.e., the seven associations which designated most NCA board members. This reversed the criticism by some association staff that the regionals were "staff dominated." Plainly, each side believes it speaks for "the institutions" which, like members of "the public," do not speak for themselves. As for the AIES Advisory Committee, some respondents protested, they did not even know who were its members or how they were selected. Robert Kirkwood asked, "What is the basis for [the] selection of the...Committee? Who is its spokesman--the chairman or AIES [staff]? Why is there no regular channel of communication for the Committee to institutions and accrediting organizations?" "Only recently have we known the membership...." wrote one staff director. "Although the members appear qualified, on what basis were they chosen, what are their functions, and experience with accreditation?"

Table 5

"Are you satisfied with the present composition of the National Commission on Accrediting? With that of the OE Advisory Committee on Accreditation and Institutional Eligibility?"

Answer	NCA	OE
Yes	17	24
No	13	19
"Yes, but," "Partly," "Don't know"	3	7
Total	33	50

Source: Survey of recognized accrediting agencies, September - November 1973. Responses confined to agencies which have applied for recognition to each body.

Kirkwood's questions are entirely merited. The advisory committee's role has been a triumph of ambiguity. In announcing the formation of AIES in May 1968, the National Commission on Accrediting Reports stated, "An important function of Mr. Proffitt...will be to work closely with a new board,...which will advise the Commissioner...."[2] A board is not usually advisory: it sets policy. The chairman of such a board, and the board's executive committee, normally exercises real power. In contrast, an advisory committee can be influential but cannot be held administratively responsible for its actions. The AIES Advisory Committee has been used both ways, at the convenience of OE staff and the commissioner: it is routinely held responsible for the commissioner's recognition actions though, being advisory, it cannot be held responsible for them.

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Many respondents offered suggestions for the kind of members who should be added to NCA and the AIES committee. The gist was that the bodies should become more representative of the agencies which they recognized or, in the case of NCA, should recognize. Both should, it was said, add representatives of occupational, proprietary, and professional accrediting, of hospitals, clinics, and the practicing professions. In addition, representatives of secondary education and state officials should be included on the AIES committee.

The official position of OE is, on the one hand, that the advisory committee represents "appropriate" educational constituencies and, on the other, only the "public":

> Members are selected from various segments of the postsecondary education community, state departments of education, professional associations and the general public....Advisory Committee members are chosen in an effort to provide representation from appropriate segments of the educational community, as well as from the general public, and in order to obtain a geographically balanced committee. Educators are chosen...in regard to their professional competence in a given area, not to provide representation for special interest groups within the educational community....the Committee represents the "public interest" in education--in the broadest sense--when making recommendations to the Commissioner, as opposed to the special interests of the particular group or segment of society with which the individual members may be identified.[3]

Recognition by OE or NCA?

Should the recognition of accrediting agencies be continued by both NCA and OE, or only by one? Twenty-eight respondents said "both"; eight (all but one, specialized agencies) preferred NCA; six (all regional or proprietary school agencies and none, a specialized agency), OE; and another seven volunteered still other possibilities (either but not both; both or NCA; etc.). The same facts were offered in explanation of opposite answers. Those who preferred recognition by one agency objected to the present "overlapping" and "duplication" of effort." Those who accepted dual recognition liked the system of checks and balances between a private and governmental agency, each with its special, useful perspective. "The only problem that occurs is when they do not agree. For example, NCA prohibits us from accrediting...community college...programs, and USOE seems to desire that we do."

The main alternative envisioned to OE and/or NCA recognition was a new, enlarged agency variously conceived as a merged FRACHE-NCA or a more comprehensive body representing and embracing all of accrediting, institutional and specialized, professional and vocational, higher, postsecondary, and secondary (and ultimately, no doubt, primary, infantile, and noneducational). The director of an agency accrediting in a licensed profession suggested that OE accept NCA recognition for professional agencies and then "concentrate on the vocational and also more questionable agencies where the public really needs protection." However, most of the professional agency respondents advocating a change in the dual recognition system preferred a larger role for an enlarged NCA, or, perhaps, a united private-governmental body:

> We have not studied NCA as closely as AIES. We did not feel that was our responsibility, or entirely proper. It is our impression that NCA neither bit nor barked at the agencies it recognized. Of at least eleven agencies which failed to comply with one or more NCA criteria, some received quiet admonitions, but most also received renewed recogniton for a five year period. All agencies on the NCA list were recognized in perpetuity until 1970 when, following the precedent set by the commissioner in 1969, a periodic review was instituted. Recognition was not withdrawn from any agency.

Views of AIES Operations

The one question we asked which elicited clear disagreement with AIES by a majority of respondents dealt with the four year period of recognition instituted in 1968. Fifteen respondents approved of this period but thirty-two preferred a longer one: 5 years was suggested by nineteen, while the remainder proposed terms ranging up to 10 years--the period often coincided with the agency's normal term of accreditation. The term of NCA recognition has been five years. There would be advantages to both bodies adopting the same review cycle, although differences in their actions would inevitably upset the synchronization of the two cycles for many agencies.

On Publishing the Term of Recognition

We suggested in the preceding chapter that OE should publish the period of recognition granted to individual agencies. Twenty-one respondents agreed that this should be done, 16 disagreed, and 15 said that it made no difference to them. Those who favored disclosure said that the public had a right to this information; it would help those using dated directories and give accrediting agencies an idea of how well they were regarded; and word "gets round the grape-vine very rapidly anyway...."

Those objecting declared that the information was not important to the public: disclosure would break the confidentiality of agency relations with OE; it could generate political pressures on OE and "unncessary questions" for the agency. OE should, they felt, follow the same policy as the agencies, which do not normally rate accredited institutions or release the period for which accreditation is granted. Publication of the term of recognition might be taken as a means of rating agencies or "indicate a certain dependency on OE." Agencies "making a concerted effort to improve should not be penalized by notations which indicate that they may be difficulty."

Effects on Accrediting

Thirty-four respondents stated that the effect of AIES activity had been to strengthen, and none, that it had served to weaken, the professional quality of their work. Sixteen felt that AIES had had no visible effect one way or the other (Table 6). The strengthening had been accomplished by the increased visibility, "credibility and respect" derived from recognition; the self scrutiny involved in applying for recognition; the positive advice given by AIES staff, including information about the better practices of other agencies; the concrete model of "the excellent criteria"; and providing "an atmosphere conducive to self-study and change." AIES has also strengthened the hand of accrediting staff against recalcitrant constituents.

On the question of what effect AIES had had on the independence of their accrediting judgments, two-thirds of respondents replied "None"--their judgments remained independent, as always; "independence has, if anything, asserted itself more!" One important agency allowed that

> What comes first is what OE requires--that becomes the criteria, the reason why. Just as a university might apply for the kind of project which will be funded, rather than the project which the university thinks it should conduct. Nevertheless we satisfy our own professional standards as well as the OE as best we can. We have in the past done, and will continue in the future to do, the best we can regardless of AIES activity.

Table 6

"Has the net effect of the activity of the Accreditation and Institutional Eligibility Staff (AIES) been to strengthen or weaken the professional quality of your accrediting? ...the independence of your accrediting judgments?"

Number stating that AIES has	Professional quality	Independence
Strengthened	34	12
Weakened	0	6
Neither	16	33
Total	50	51

Source: Survey of recognized agencies, September - November 1973.

New and Superfluous Activities for AIES

What new or expanded activities should AIES undertake? Most frequently mentioned were expanded programs of public information about accrediting, of research helping to improve accrediting practices and policies, and the sponsorship (with NCA and FRACHE) of additional conferences on accrediting problems. AIES could also provide more and better explanation of its ruling and policies, and "something resembling the Due Process and accountability they demand from others." Criteria might be provided for the selection of accrediting commissioners and the accrediting of for-profit schools and programs. A greater effort was called for to coordinate "the growing and proliferating separate major federal allied health educational programs" and to make accreditation a requirement of eligibility in additional federal programs. One respondent asked OE to "sharpen its own ability to really attack the [accrediting] agencies that are clearly not in [the] public interest, most of which are proprietary."

Suggestions for reducing AIES activities were of two types: procedural and substantive. Thus, one respondent hoped for selective enforcement of the new criteria, exempting his agency from such a provision as the addition of lay members to its accrediting commission. Others wanted OE to reduce the frequency with which it deferred action on applications for recognition and "to reduce the paperwork of all of us." The main substantive note was that OE should reduce or discontinue the entire recognition operation, delegating to NCA or a new agency whatever it could not terminate. The recognition of agencies accrediting secondary and elementary schools, and those whose accreditation served no eligibility function, were prime candidates for elimination; regional and professional accrediting were others: "AIES should concentrate in the non-traditional and proprietary areas...and allow the NCA to monitor the others." "I'd rather see them draw in their wings and go out of business, confining their activities to eligibility and not to accreditation."

Requests and Complaints to Accrediting Agencies

An indication of the federal, state, and local government bodies which call upon accrediting agencies most frequently for information was afforded by several survey questions (Table 7). Among federal agencies, the Office of Education and the Veterans Administration came first, followed by HEW medical and health agencies and the Department of Defense; the

Table 7

"Please indicate the government agencies from which you received inquiries or requests during the last 12 months."

Agency	Frequency of Inquiries		
	Monthly or more	Less than monthly	None or no answer
State and local agencies			
Higher education staff	15	34	5
Vocational education staff	9	24	21
Veterans state approving agencies	5	27	22
Attorneys General	-	16	38
Other state offices	18	15	21
County or municipal agencies	9	7	38
Federal agencies			
Office of Education	10	35	9
Other parts of HEW	7	14	33
Veterans Administration	4	29	21
Federal Trade Commission	-	5	49
Department of Justice	-	2	52
Other federal agencies	3	14	37

Source: Responses of 54 recognized agencies to September-November 1973 survey.

Civil Service Commission, Post Office, State Department, federal prisons and libraries, National Science Foundation, Park Service, General Accounting Office, and the Congress were also mentioned. Among state bodies, the agencies heard most frequently from higher education and vocational education departments, veterans approving agencies, and the licensing bodies in their field. State and local consumer protection, rehabilitation, and health services, hospitals, clinics, state university and school systems, and civil service bodies all asked for information.

The most time consuming requests were those from AIES in connection with an application for recognition and complaints against accredited schools, those from state licensing boards, the V.A. and veterans state approving agencies, and the National Institutes of Health; requests from embassies about the transferrability of credit; and requests for up-to-date lists of accredited programs and special statistical reports for federal purposes.

The kinds of information which the government should not ask of accrediting agencies but rather get for itself were any confidential data on institutions, including financial data and the reports of accrediting teams; "nothing regarding curriculum"; and personnel policies such as the composition of faculties by race and sex. The government should not ask agencies to investigate, police, and enforce governmental policies such as nondiscrimination in admissions or hiring. And government requests for action should be realistic: i.e., within the influence and power of the agency.

Complaints: Policy, Number, Sources, Handling

An examination of accrediting agencies' attitudes toward and handling of complaints against their schools is important to an assessment of their usefulness in protecting students. The several questions we put to the agencies permit a summary conclusion: Students receive no help from many accrediting agencies and at best a little from some; if they are to be served adequately, it must be by other means.

The regional commissions and proprietary school agencies represent opposite poles on the responsibility of accrediting agencies to receive and investigate complaints (though both poles are partisan to the schools, not the complainants). The regionals appear actively to discourage such complaints and normally investigate only those which suggest conditions that might seriously impar an institution's quality or effectiveness. For example, the Western Association Accrediting Commission for Junior Colleges states:

> Only substantially supported allegations of practices which could seriously retard the progress of the institution and affect the quality of its educational program will be considered....[The commission] will not intervene on behalf of individuals in cases of disciplinary action or dismissal, or act as a court of appeals in such matters as admission, credits, fees, and academic standards unless the context suggests unethical or unprofessional action which may seriously impair or disrupt the educational services of an accredited institution.[4]

In contrast, most proprietary school agencies are accustomed to receiving complaints from, and on behalf of, students and have routine procedures for dealing with them. Each of three agencies received decidedly more complaints than most of the regionals put together and almost as many, or more, than all specialized agencies (Table 8). The factors that generate student complaints against proprietary schools are discussed further in other chapters. An additional factor may be noted here: the readiness of accrediting agencies to receive them. If the regionals invited complaints and established special machinery to deal with them, they would doubtless receive more, especially from faculty: indeed, they might be deluged with them. Proprietary school agencies seem to regard complaints as a safety valve, a means of placating critics, a source of information, a service to their members and the public, and a nuisance;

Table 8

Number of Complaints Received by Accrediting Agencies in Last 12 Months

Type of Agency	Number of				
	Agencies reporting			Complaints received	Schools involved
	Total	No complaints	One or more complaints		
Regionals and N.Y. Regents	11	2	9	264	145
Proprietary school agencies	5	1	4	483	144
Specialized agencies	35	14	21	94	85
5 agencies	5	-	5	677	238
46 others	46	17	29	164	136
Total	51	17	34	841	374

Source: Responses to "Roughly how many complaints against schools you accredit has your agency received in the last 12 months? (None, about ___.) If some complaints, how many schools were involved?" in September - November 1973 survey of 58 recognized accrediting agencies.

whereas the regionals regard them as a threat. Proprietary schools students and staff are so atomized that they are rarely able to unite in concerted action against a school, whereas groups of college students and faculty have a demonstrated capacity for collective action; were they encouraged, they could readily utilize the regionals to discomfort their institutions.

The attitude of professional agencies toward complaints varies from indifference to solicitousness. Many receive none and even the largest agencies have received very few. The most reported in the preceding year was 15; fourteen agencies received none, and ten, three or less. Complaints are, therefore, not a high priority matter, and the director of one agency rebuked us for our survey's "disproportionate emphasis on 'complaints', which is an insignificant part of [the agency's]...activities."

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The complaints most commonly received by the regionals from students and their parents concerned grades, refunds of tuition and fees, and personal grievances (Table 9). Complaints from faculty dealt with non-reappointment or the failure to receive tenure and academic freedom; faculty might criticize the administration or board of trustees, grading practices, the quality of educational programs, or misrepresentation in bulletins. Regional staff took most seriously complaints about educational quality, misrepresentations that injured students, and complaints about dismissals or governance that involved evident breaches in due process.

Proprietary school agencies received many complaints about refunds, the quality of instruction and placement, delays in starting or servicing scholarships, and misrepresentation in advertising and recruiting. They received fewer complaints from faculty than did the regionals or specialized agencies, but far more transmitted by the Office of Education in connection with loan defaults, and a good many--as do other agencies--from accredited schools. These often concern competitive advertising which a school considers unfair, and improper use of the designation "accredited." Complaints were also received from state officials, consumer groups, and Better Business Bureaus. The agencies consider as most serious evidence of misrepresentation or fraud in recruitment or business practice, and the use of "accredited" by unaccredited schools.

Table 9

Sources of Complaints Against Accredited Schools

Source	Number of Agencies Reporting
Students or their parents	35
Faculty	32
Other schools	23
Lawyers for students	14
State government agencies	13
U.S. Office of Education	11
Other federal agencies	7
Other accrediting agencies	6
Other sources	10
Total number of agencies reporting one or more source	42

Source: Responses to question about the sources of most complaints in September - November 1973 survey of recognized accrediting agencies.

Specialized agencies received a number of complaints about the misuse of "accredited" by unaccredited instituions or by unaccredited programs which misrepresent regional accreditation as the equivalent of program accreditation. Complaints about program quality may come from employers as well as students and faculty. Schools may complain about faculty being hired away after an agreed date such as May 1; faculty, about salary problems, program changes, or disagreements with their administration. Students complain about their inability to gain admission to one school after having been flunked out of another. The issue of student exploitation arises if labor comes before instruction in clinical and apprentice settings such as hospitals and labortories. Staff view most seriously complaints about false or misleading program offerings and finances, the admittance of unqualified students, issues of academic freedom and tenure, discrimination in admissions, and anything affecting program accreditability.

Some 29 of the 47 respondents dealing with the question said that their agency had a written policy in regard to complaints and 34 out of 49, that they had a written procedure for dealing with them. Judging from the 20 statements submitted, at least six of which dealt solely with the normal process of appealing an adverse accreditation decision, perhaps 20 or 24 agencies had developed such a written statement, and 7 more were in the process of developing one.

Routine complaints were normally disposed of by staff, if only by informing the complainant that no action would be taken. Thus, the Liaison Committee on Medical Education states that it "does not normally or regularly investigate complaints from individuals relating to institutions that the Committee has accredited. The courts are available for the handling of such matters."[5]

Complaints of any seriousness were commonly reduced to writing and sent to the school for response and, often, disposition by direct discussion with the complainant. This step, and any further inquiry, was taken by staff in confidence and with the knowledge of the institutional authorities. Certain complaints were referred to standing committees such as the committee on academic freedom and tenure of the Association of American Law Schools or the ethics committee of the American Psychological Association, or kept for the attention of a future accrediting team.

Complaints which, upon investigation, disclosed serious breaches in accrediting standards were normally referred by staff to the accrediting commission. They might lead to a special accrediting visit, special conditions on the extension of accreditation, or even, after protracted hearings, the withdrawal of accreditation.

The Council on Social Work Education will receive complaints from any "professional responsible person, group, or organization," defined as almost any person or group having something to do with social work. A legitimate complaint must present in writing a "factual and reasonably well documented" question bearing on "an important aspect of educational standards." It must also be shown that "sustained efforts to resolve the problem have been made through appropriate university or local professional resources." If the accrediting commission undertakes to accept a complaint, an investigation will be undertaken which may have four possible outcomes: dismissal of the complaint; postponement of action, if the school is rectifying the situation; notification that the school is failing to meet standards; or, withdrawal of accreditation.[6]

The National Home Study Council has different procedures for three types of complaints. 1. Complaints from students, which are the most numerous, are acknowledged and forwarded to the school. "The letter of transmittal makes no assumption about the validity of the student's complaint. Rather, information is requested, and it is suggested that the matter be resolved through direct contact with the student." Most complaints are resolved in this way. Where they are not, staff will attempt to resolve the matter and, if they cannot, refer it to the accrediting commission. 2. Complaints from such agencies as OE, the VA, state education departments, consumer groups, and the Congress will be accepted over the phone, acknowledged with a personal letter, and transmitted to the school with a personal letter. "...where particularly important issues are present, the staff may suggest ways of resolving the matter." In most cases, the staff merely requests information which forms the basis for its response to the agency and the student. 3. Complaints from accredited schools, usually about a competitor's advertising or special offers, are handled without revealing the name of the complainant. All such complaints "receive personal attention....they are the most difficult to resolve, and they result more frequently than others in Accrediting Commission consideration."

On Honest Educational Representations

All proprietary school agencies indicated that their accrediting standards provided for honest representations in catalogs, recruiting, advertising, and job placements. The same was true of two-thirds to half of the regional and specialized agencies, except for the question of job placement, which only a minority of specialized agencies dealt with in their standards (Table 10). That is a broad summary of the extent to which accrediting standards dealt with these matters: not how they dealt with them, how fully schools complied with them and what was done to enforce them. "The regionals review catalogs as essentially documents in the evaluation process. Recruitment of students and faculty is also reviewed," Robert Kirkwood informed us. That is to say, these, and several hundred other matters may be examined during the two or three days that an evaluation team spends on campus every five or ten years. Accrediting agencies are not policemen: they have neither the staff nor the money, the independence, inclination, nor ability to exact full compliance with all of their standards.

Few respondents thought misrepresentations by accredited schools and programs were serious or widespread. We asked, "Are misrepresentations in any of these areas [catalogs, advertising, recruiting, and job placements] a significant problem at any of your accredited schools? If yes, please estimate the percent of schools with a significant problem." Of 51 respondents answering the question, 45 said "No," there was no significant problem. Of the six agencies which perceived a problem, two estimated that 1 percent or less of their schools were involved; three, that 5 percent were; and one, 8-10 percent.

"Should government or private agencies do anything beyond what they are now doing to protect students from misrepresentations in catalogs, advertising, and recruiting?" Responses to this question were thin (Table 11). The largest block said "don't know"; those expressing an opinion preferred action by state and accrediting agencies to that by OE or, especially, other federal agencies. Some accepted responsibility for their agency; others disclaimed it. At least five specialized agencies assigned responsibility to institutional accrediting agencies--which have not leapt to assume it and, in their replies, put greater emphasis on improved state regulation.

Table 10

"Do your accrediting standards provide for honest representations in catalogs, advertising, recruiting and similar practices?"

Representations in	Type of Accrediting Agency						All agencies		
	Regional*		Proprietary		Specialized				
	Yes	No	Yes	No	Yes	No	Yes	No	Total
Catalogs	8	3	5	0	23	10	36	13	49
Recruiting	7	4	5	0	21	10	33	14	47
Advertising	6	5	5	0	14	14	25	19	44
Job placements	5	6	5	0	11	17	21	23	44

* Including New York Regents.

Source: Survey of recognized accrediting agencies, September - November 1973.

Table 11

"Should government or private agencies do anything beyond what they are now doing to protect students from misrepresentations in catalogs, advertising, and recruiting?"

Agency	Number of accrediting agency respondents replying			
	Yes	No	Don't know	Total
State government agencies	18	10	22	50
Accrediting agencies	16	10	22	48
Office of Education	15	14	21	50
Other federal agencies	11	17	20	47
Other private agencies	7	8	24	40

Source: Responses to survey of recognized accrediting agencies, September - November 1973.

Other suggestions for measures to protect students included: 1. Informational programs "to indicate the most common forms of misrepresentation and explain what to do about them." 2. An agency "to warn students re misrepresentation of placement agencies implying ability to gain admission to U.S. or foreigh schools...." 3. The withdrawal of accreditation, eligibility, and the state license or charter of persistent offenders. 4. The adoption and enforcement of minimum tuition refund policies by all accrediting agencies and the requirement of such a policy as a condition of the commissioner's recognition. 5. The extension of the

Federal Trade Commission's consumer education campaign from vocational schools "to cover all types of education, public and private." 6. Publication by OE and professional associations of lists and evidence of misrepresentation. 7. Improved state legislation to control educational licensing, degree offerings, promotion, and recruiting, and to investigate complaints.

Refund Policy

We asked whether a minimum refund policy should be required of schools as a condition of eligibility for federal programs. The five proprietary school agencies said "yes"; the regionals were split, five for and five against; the specialized agencies favored the policy by 4 to 1, though many ventured no opinion, believing refunds to be the responsibility of the institutional administration (Table 12). Those favoring a minimum refund policy regarded it as only fair to the student (and to the government which has extended him a loan) who must drop out of school for reasons he connot control. Those opposing it argued that it is unreasonable to impose a uniform policy upon institutions whose circumstances vary greatly; each institution should be required merely to formulate its own refund policy, to make it known, and to abide by it.

The Pros and Cons of Linking Eligibility to Accreditation

Our survey closed with a series of broad questions about the use of accreditation for eligibility purposes and any changes that respondents would like in their relations with the Office of Education. A summary of replies to the question, "What are the main advantages of using accreditation to determine eligibility for federal funds? To students: To the

Table 12

"It has been suggested that in order to qualify for federal educational programs a school should be required to adopt a minimum tuition refund policy. Do you agree?"

Type of Agency	Number replying			
	Yes	No	Can't say	Total
Regionals and N.Y. Regents	5	5	1	11
Proprietary school agencies	5	0	0	5
Specialized agencies	17	4	14	35
Total	27	9	15	51

Source: Survey of recognized accrediting agencies, September - November 1973.

federal government:" is given in Table 13.

Advantages

Accreditation, it was said, affords students and the government assurance of "minimal...quality and legitimacy." That was the gist of the advantage mentioned most often, but so many different words were used to express the idea that many may well betoken distinctly different ideas. Thus, it was said that accreditation indicated not just "minimal quality" or "some measure of quality" but "quality," "quality guaranteed," or even "superior quality," "the best schools," and "excellence." It indicated not just institutional and program "legitimacy" or "acceptability"

Table 13

"What are the main advantages of using accreditation to determine eligibility for federal funds? To students: To the federal government:"

Number	Advantage
39	Provides assurance of the excellence, quality, or acceptability and/or the legitimacy, credibility, or stability of institutions and/or programs.
18	The convenience, simplicity, ready availability, practicality, or acceptability of the eligibility system.
11	The educationally effective and economically productive use of government funds.
9	The expert, sound, or reliable professional nature of the educational judgments.
9	The economy of the eligibility system.
5	Other advantages.
4	Don't know.
95	Total responses
51	Total respondents

Source: September - November 1973 survey of recognized accrediting agencies.

but "stability," "reliability," "effectiveness," and protection "against misrepresentation." Indeed, the gradations extended from a low to a decidedly high quality level and from something less than certain to a "guaranteed" assurance of that level: somewhat contradictory ideas.

To the government, accreditation offered a convenient and economic way of determining eligibility. Use of an existing system was simpler and cheaper than an independent eligibility system would be; it was expedient, gaining the cooperation of established educational and professional constituencies. Robert Kirkwood singled out these factors in his response: "Vast savings in costs, professional expertise of highest order, respected status of accreditation in academic world, less resisted than if government were [directly] involved [in eligibility determination]."

Kirkwood's reference to "professional expertise" was echoed by others who stated that, as it represented judgments of qualified professional people, accreditation was technically reliable. As it provided graduates with assurance that they could qualify for a licensed profession, it helped students and the government to spend money in an educationally effective and economically productive way and protected the public health and safety. The latter advantages are incontestable, if circular, insofar as a profession also controls the standards of licensure and the technical definition of public health and safety. The technical reliability of accrediting judgments is more questionable. It does not follow that because accrediting teams are composed of experienced administrators and professors that their accrediting judgments are per se professional, since educational evaluation, if it is a profession, is a different one than administration, teaching, or professional practice. The ad hoc self study and accrediting team, made up of volunteers, is far more amateurish than professional--were that not true, so much talk and effort would not be devoted to professionalizing accrediting. Altogether, it is hard to share some respondents' confidence in the technical reliability of accreditation.

One respondent wrote that the advantage of accreditation was that "One criteria [sic] is able to be used to determine the adequacy of all aspects of an education program. This makes it easy for the student to find an 'acceptable' school and program. Accreditation is able to mean many things to many people and thus...a uniform 'seal of approval' is able to be given to all aspects of schools and programs." That is a perceptive statement of the great advantage, and also disadvantage, of accreditation.

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Disadvantages

What were the main disadvantages to students and the government of using accreditation for eligibility purposes? Five respondents could think of none and twelve stated positively that there were none.

Others enumerated some of the disadvantages which escaped their seventeen colleagues. "...not all legitimate institutions have wanted (or been eligible for) accreditation," the director of one regional commission observed, and the observation was repeated by respondents from several specialized agencies, who noted that some "worthwhile programs" were not accredited or were accredited by unrecognized agencies. New programs not yet eligible for accreditation might suffer. As a result, student choice could be reduced and it became more difficult for the government to encourage the development of needed new programs. It "Could force some lower cost institutions out of business." "Requiring accreditation status [of developing institutions] would sound their death." Government funds became hinged by a kind of tie-in sale to many standards not germane to the purposes for which they were appropriated.

The eligibility linkage could also have adverse consequences upon accrediting agencies. It tended "to make accreditation mandatory rather than voluntary" and "could tend to lower accreditation standard"; accrediting "might be skewed to federal priorities or distorted by political expediency."

A number of respondents were concerned about the excessive emphasis that might be put upon accreditation in eligibility determination and the unrealistic expectations which students and government officials might have for it. "It implies more [to students] than is actually possible...." It does not "guarantee that every graduate...is fully competent...or will be successful in professional work." The disadvantage "to both [students and the government was]...that you can't be sure accreditation does speak to educational quality" (italics in original). We "Seem to settle for the form rather than the substance."

Extending the Linkage

Plainly, to most respondents, the advantages of linking eligibility to accreditation outweighed the disadvantages. The great majority of those expressing an opinion would extend the requirement to veterans benefits (Table 14). A minority felt that veterans should enjoy the freedom to enroll in useful but unaccredited programs: "...there are other valid educational processes and programs than those earning accreditation." The majority disagreed. In addition, ten respondents suggested numerous programs for which accreditation should be required: elementary and secondary, vocational, and manpower programs, health planning and training grants, all programs leading to a professional degree, programs of continuing professional education and, indeed, "all federal educational programs." Support for making accreditation mandatory seemed particularly strong in the health

Table 14

"Should the requirement of accreditation be extended to ...veterans educational benefits? Should [it]...be eliminated from...insured student loans?"

Should the requirement of accreditation	Number responding			
	Yes	No	Don't know	Total
Be extended to veterans benefits	25	7	18	50
Be eliminated from insured student loans?	3	36	12	51

Source: Responses of recognized agencies in September - November 1973 survey. The full text of the questions was: "Should the requirement of accreditation be extended to any additional federal programs in which it is not now necessary for eligibility --such as veterans educational benefits? Should the requirement of accreditation be eliminated from any federal program in which it is now usually a prerequisite for eligibility--such as insured student loans?"

professions. One respondent noted that "we are working to put accreditation into a new health manpower Bill" in order to reduce the freedom of "federal health staff" who opposed "resource concentration" and wished to support a "number of programs which developed with limited faculty," it being hard to attract many good faculty to programs financed mainly by "soft money"--i.e., income from ad hoc projects rather than continuing tuition, endowment, or state appropriations. Judgments of eligibility, he said, were better left to qualified professional agencies than to the "ideological influence" of government staff.

Contrariwise, only three respondents would remove while 36 would retain accreditation as a condition of eligibility for insured student loans (Table 14). To remove it, the director of one proprietary school agency feared, "Would destroy the program by excessive abuses."

Should any Unaccredited Schools be Eligible?

"Are there any programs or schools," we asked, "which you feel could qualify but have not applied for accreditation in the (educational or geographic) area of your agency's accrediting?" Two-thirds, including all four proprietary school agencies replying to the question, said that there were (Table 15); 23 even hazarded the number: all told, over 2,500 programs or schools; allowing for nonrespondents, this would yield over 1,000 additional schools (most of them, proprietary) and 2,000 programs that might qualify for accreditation.

Why have so many qualified or qualifiable schools and programs not sought accreditation? The most frequent explanation was the newness of the schools, programs, or accrediting activity. Nothing, apparently, saturates an educational field so thoroughly with accreditation as time. At the outset, an accrediting agency is ill-known; its policies, repute, and power cannot be assessed with confidence; the agency itself may be selective in its admission policy. Historically, many agencies have started out being exclusive and ended up becoming all or almost all inclusive (there are advantages to keeping a few outside the fold). The director of an accrediting agency recognized by OE a few years ago wrote, "Previously we have not published and distributed our standards and procedures widely....We have also not encouraged schools to apply

....The accreditation was so closely held by educators at existing schools that they discouraged new schools from applying or receiving accreditation."

Many have not applied for accreditation because they have felt no need for it or were unable to apply because of institutional policy. Junior college presidents have opposed specialized accrediting with special firmness; state-approved programs training graduates for employment within the state may have little need for the enhanced national standing and easier reciprocity of licenses often gained by graduates of accredited programs. Regional accreditation suffices to qualify most students in professional programs for federal benefits.

For-profit schools may object to accrediting standards such as a tuition refund policy or restraint in advertising and to the (real or nominal) element of control or accountability inherent in accrediting. Disdain for, indifference, or obliviousness to accreditation is not confined to for-profit schools. But the era when it caused widespread abstention from accreditation has past for the higher education commissions and the legally entrenched professions. However, newer and less well established agencies find opposition (sometimes leading to rival accrediting) and indifference an obstacle to growth.

Cost was cited by ten respondents as a reason for failure to apply for accreditation. And questionable quality: either a school feared that it might be turned down or, being borderline, new or experimental, postponed applying until it was on surer ground.

A net majority of respondents opposed rendering otherwise qualified unaccredited schools and programs eligible for federal programs. Opinion varied by the type of agency: those from the regionals split three ways; those from proprietary school agencies all opposed this course; and a thin majority of those from specialized agencies favored it (Table 15,

Table 15

"Are there any programs or schools which you feel could qualify but have not applied for accreditation [to your agency]...? Should such unaccredited schools be eligible for federal programs?"

Question and type of agency	Number responding			
	Yes	No	Don't know	Total
Are there accreditable programs or schools?				
Regionals & N.Y. Regents	6	2	3	11
Proprietary school agencies	4	0	0	4
Specialized agencies	20	13	1	34
Total	30	15	4	49
Should they be eligible for federal programs?				
Regionals & N.Y. Regents	3	3	3	9
Proprietary school agencies	0	5	0	5
Specialized agencies	13	11	4	28
Total	16	19	7	42

Source: Survey of recognized agencies, September - November 1973. The full first question was "Are there any programs or schools which you feel could qualify but have not applied for accreditation in the (educational or geographic) area of your agency's accrediting?"

bottom half). However, an examination of their all-too-brief explanations indicates that many who said "yes, unaccredited schools or programs should be eligible" really meant "yes, if accredited by another (regional or specialized) recognized agency."

Most respondents appeared in agreement on several intertwined principles: accreditation was the only practicable and widespread national test of minimal quality; it also required compliance with standards not related to quality; a number of schools or programs of comparable quality were unaccredited; if there were some way of identifying them, they deserved to be eligible; and, finally, standards which were not relevant to educational quality, stability, student protection, or any other government interest were, in effect, excess baggage which accredited schools must carry to become eligible, and which could unfairly disqualify unaccredited schools from eligibility. If there were some way of discarding that baggage for eligibility determinations, it would be fine. But is there?

"If there are other means for assuring the quality and stability of the programs, yes," unaccredited programs should be eligible, Robert Kirkwood wrote. "Accreditation should not be seen as the only measure of quality. If they show other evidence of excellence they should be eligible for federal funds," wrote the director of a specialized agency. "Yes- If they are good and well managed and have on the basis of the 'record' done a good job in educating students," wrote another.

Effects of Rendering Unaccredited Schools Eligible

"If reputable but unaccredited schools were eligible for federal programs, what effect would that have on your agency?" Some two-thirds of specialized agency respondents thought it would have little effect;

four of those from proprietary school agencies felt it would hurt them; respondents from the regionals were more evenly divided (Table 16).

Confidence that an agency would be basically unaffected if unaccredited schools or programs were eligible was founded upon the strong position of the agency, whose work had often begun before, and rested upon grounds independent of, the invocation of accreditation in federal statutes. The "cohesion of the higher education community in our region" would remain, said one regional director. "Accreditation... has been desired by institutions before Federal funding and there is no reason to believe it will not continue to be desired," said a second.

Table 16

"If reputable but unaccredited schools were eligible for federal programs, what effect would that have on your agency?"

Type of Agency	Number responding				Total number of	
	Very little	It might hurt us	It might help us	No direct answer	Responses	Respondents
Regionals & N.Y. Regents	5	6	2	0	13	11
Proprietary school agencies	1	4	0	0	5	5
Specialized agencies	24	9	2	4	39	37
Total	30	19	4	4	57	53

Source: Survey of recognized accrediting agencies, September-November 1973.

Many specialized agencies would remain unaffected because they were not in any event utilized for eligibility purposes. The strength of professional agencies rested on other factors than federal funds: their educational standing; the heavy concentration of enrollment, leading faculty, and research in accredited programs; the influence of associations on many professional and national activities other than accrediting, and their dominating role on licensure boards and standards. These would remain unaffected by any federal charity to a few unaccredited programs. And if there were no unaccredited professional programs, the government would have no object for its charity: "...we will not allow a school to start," wrote one director, "that does not meet our pre-accreditation requirements, and to continue if minimum requirements are not met."

Fears that extending eligibility to the unaccredited would hurt their agency were based in part on the danger that educational and accrediting standards would be lowered and unneeded schools formed which would water standards. But their major source was a belief that eligibility had become a primary function of accreditation and a primary motive for seeking it: should the silver cord be cut, some or many schools might withdraw. "Some schools consider eligibility for Federal Programs as a principal reason for seeking accreditation." "...the institution would not make the effort to obtain program accreditation if they could receive funds without [it]..." "...it reduces the 'clout' we would otherwise have."

The few respondents who thought that granting eligibility to unaccredited schools and programs would help their agency reasoned that it would "relieve the pressure" to accredit purely for eligibility purposes. Freed of the compulsion to gain and maintain accreditation for its benefits, schools and programs would be able, once again, to apply voluntarily for it and accrediting agencies, to concentrate on their primary purpose of maintaining and improving educational standards.

Possible Eligibility Mechanisms

Respondents did not brim over with practical suggestions in response to our question about "how reputable but unaccredited schools might be rendered eligible for federal programs (without becoming accredited)?" A number were uncomfortable with the question. "...reputable to whom?" it was asked. "It is hard to imagine 'reputable but unaccredited' schools of a type eligible for federal programs," Robert Kirkwood remarked. Rockefeller University was one such school, unaccredited by Middle States, though rendered eligible because it is registered with the New York Regents. Another was the Antioch School of Law, rendered eligible directly by the commissioner, seven months before it gained status with Middle States. A considerable number of reputable junior colleges in the North Central states and a larger number of for-profit schools provide additional examples.

Others opposed any such course. "No. And they should not get federal aid." "Some type of accreditation, however minimal, would be essential."

Altogether, fifteen respondents offered suggestions. Several noted that a number of alternative avenues of eligibility were already in force and had seemed to work reasonably well. The "candidate status" or "reasonable assurance" offered by the regionals were examples, and the three letters certifying the acceptance of credit by accredited institutions. Kirkwood suggested that "a stronger and more tightly controlled verson of the '3 letter route' might be tried."

Two respondents suggested that state authorization to operate or approval after special review by a designated state agency might work. A few suggested direct review by OE or another federal body. One referred to a direct institutional review of the type, perhaps, that AIES staff have conducted for a very few schools; the others, apparently, to an evaluation by federal staff with the advice of professional panels, like that undertaken in research and training grants. The government "would have to have appropriate task forces....many nontraditional programs are not accredited, but may offer exececllent educational programs and they should be eligible for funds."

A few offered suggestions similar to those of the Newman task force, although none was detailed sufficiently to convey a realistic idea of how they might actually be administered. They called for the specification of eligiblity criteria by the government and an independent determination, of whether or not these criteria were met. Unaccredited schools "could be examined according to specific guidelines set up by the federal government...." One respondent proposed a system of eligibility geared to the subsequent performance of graduates. "Eligibility for the federal funds should be considered on the basis of whether or not the school or educational program...appears acceptable as a result of the examination of its record of graduates and the service which the school provides to its students and community...."

Our two final questions, "What changes, if any, would you like to see in the present system whereby eligibility is linked to accreditation?" and "What changes, if any, would you like to see in the present relations between OE and the accrediting agencies?" evoked essentially the same responses. Most liked, or accepted, the present system. Many would also like greater freedom from OE regulation and a few, a system in which eligibility was cut completely free from accreditation; but, all told, things were not bad as they stood.

Fifteen respondents stated explicitly that they wanted no changes in the present eligibility system and only six suggested any; the remaining thirty or so said nothing at all, and "*qui ne dit mot, consent*."

Notes

1. "The Nature of Middle States Accreditation," in *Policies and Procedures Handbook*, Commission on Higher Education, Middle States Association of Colleges and Secondary Schools, New York, 1971, p. 25.

2. *National Commission on Accrediting Reports*, May 1968, p. 8.

3. "Advisory Committee on Accreditation and Institutional Eligibility, U.S. Office of Education," undated four page statement distributed by AIES staff at a November 1972 meeting.

4. Statement on "Special Reviews by ACJC" submitted by the Western Association Accrediting Commission for Junior Colleges.

5. "Policies & Procedures for Handling Complaints Pertaining to Institutional or Program Quality," adopted by the Liaison Committee on Medical Education, January 10, 1973.

6. "Complaint Procedures," Manual of Accrediting Standards, Council on Social Work Education, February 1971.

F. The Postsecondary Universe: Accredited and Unaccredited

Summary

Accreditation provides a discreet form of publicity which makes accredited institutions and programs better known than unaccredited ones.

The common belief that regional accreditation is an assurance of institutional quality or even excellence cannot be sustained. Most unaccredited higher educational institutions have historically been ineligible for accreditation; many are junior colleges, vocational, specialized, sectarian, new, or simply small institutions. Of 787 institutions enrolling 2500 or more students, only 5 were not regionally accredited or preaccredited in 1972; 90 percent of all degree-granting institutions held some regional status. On any objective test, these institutions offer education of widely varied quality ranging from very good to very poor. Regional accreditation does, however, attest that an institution is not a degree mill.

Of an estimated 10,000 or more postsecondary proprietary schools, only 1600-1700 were accredited in 1973. Many good and useful schools remain unaccredited and, conversely, many accredited schools offer poor and useless education. It is accredited correspondence, business, and trade schools which have posed the greatest problems in the federally insured student loan program, exploiting gullible students by misrepresenting their training and the likelihood that graduates will receive jobs. Unfortunately, accreditation provides no assurance of a school's quality or probity. "...no valid single method now exists for identifying reputable as opposed to disreputable private schools."[1]

This chapter will attempt a gross statistical sketch of the universe of postsecondary institutions, the portion that is and is not accredited, and a few noteworthy characteristics of each.

Degree-Granting Institutions

The accepted universe of degree-granting institutions has for many years been defined by an annual OE directory; and the accredited portion of that, by lists prepared in the first instance by the regional commissions and then collated and issued periodically by OE, FRACHE, the American Council on Education, and many widely distributed works--dictionaries, almanacs, college guidebooks, and the like. Although the public record does not usually indicate probationary status or the period for which accreditation has been granted, it is, barring clerical errors, accurate in indicating the institutions which are regionally accredited at a given time.

These accredited institutions constitute the most clearly defined and best known portion of the higher educational universe, since a positive status is clearer than a negative one. Thus, an institution may be unaccredited because its application has been rejected; because accreditation has been terminated; because the institution itself has withdrawn its application or not paid its dues; or because it has never applied. It may, for example, not be eligible for regional accreditation, because it is under for-profit management, has not been in existence long enough, or is a specialized school that does not offer enough liberal arts courses to qualify. Or it may qualify but, being already accredited by a specialized agency as a free-standing professional or Bible school, has never bothered to apply. Unaccredited institutions have been called "forgotten colleges."[1a] They are often omitted from directories and scholarly studies. In contrast, accreditation enhances an institution's visibility. If accrediting agencies did not more than issue lists this alone would provide the service, comparable to discreet advertising, of constantly calling the public's attention to their members' existence.

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Few agencies provide such a service to unaccredited institutions. The Council for the Advancement of Small Colleges is one exception; the OE directory, which lists many unaccredited institutions is another. It is surprising that more unaccredited institutions do not band together to announce themselves to the world in this manner, since it would rescue them from oblivion and confer a kind of self-recognition sufficiently similar to accreditation to bring some of the same rewards.

In seeking to determine the number of formally organized, legally authorized institutions offering associate or higher level degrees for two or more years of postsecondary work, the OE higher education directory is a good, but imperfect, point of departure. The enumeration of separate campuses of a multi-campus institution is one source of uncertainty; another is the number of legally authorized institutions reported by state agencies, since authorization can be obtained in different ways--by license, charter, or incorporation, by statute, or by administrative decision. Institutions also vary in the degree of their formal independence; in the range of offerings; and in the stability of their faculty, programs, and organization. In sum, the directory transfixes an educational world in constant flux, and its enumeration is often mistaken for a complete census. The directory omits unaccredited colleges which are not reported by state officials or which cannot demonstrate the acceptance of credit by three accredited institutions. No complete list of degree-granting institutions is available for many states or for the nation as a whole.

The number of accredited and unaccredited institutions listen in the OE directory in three recent years is indicated in Table 1.

Characteristics of Unaccredited Institutions

What are the gross characteristics of the more than 600 unaccredited institutions? A description has been provided of 52 four-year private, church-related, liberal arts colleges, all members of the Council for the Advancement of Small Colleges, which were regionally unaccredited in 1957. Their average enrollment was then 483 and their median, 295. Their average plant and endowment were valued at under $1.2 million; average donations, $110,000; and the median cost of tuition, board, and room, $840. Tuition provided 53 percent of income; gifts and other sources, 44 percent; endowment, under 3 percent. The picture was of small, respectable, often old and educationally conservative institutions, which sought but had not gained accreditation (many have since done so), mainly because they were financially weak.[2]

William Selden and William Land give a statistical picture of the 651 institutions regionally unaccredited in the fall of 1960. Some 310 or 47 percent were two- to four-year

Table 1

Number of Regionally Accredited and Unaccredited Higher Educational Institutions in Four Recent Years

Year (Fall)	Number of Institutions			Percent Accredited
	Total	Accredited	Unaccredited	
1973[b]		2,206		
1972[b]		2,124		
1972[a]	2,620	1,996	624	76
1960	2,021	1,370	651	68
1957	1,937	1,298	639	67

Sources: 1957: Lloyd E. Blauch, Accreditation in Higher Education, U.S. Office of Education, 1959, p. 5.

1960: William Selden and William Land, "The Forgotten Colleges," North Central Association Quarterly, April 1961, p. 271.

1972a: Special analysis of 2,620 of the 2,686 institutions in the OE Education Directory 1972-73 for which this information was extractable by computer. "Unaccredited" institutions included 197 with correspondent and 166 with recognized candidate status, and 261 with no regional status. It would appear from the comparability of the statistics that Blauch and Selden also listed as unaccredited, institutions with some preaccreditation status.

1972b and 1973b: Responses of the regional commissions in October 1973 to our survey questions of how many schools are "now" accredited by them and how many were accredited "12 months ago."

Although the OE directory data which form the basis of the figures for 1957, 1960, and 1972a are ostensibly for the fall of each year, in fact they reflect forms submitted some months previously (in the case of the 1972-73 directory, from May through the close-out date of September 13, 1972). Hence, some of the discrepancy between the two 1972 figures is accounted for by the lapse of time and some, by the inability of our computer to classify 66 institutions, some 50 of which were probably accredited.

institutions offering "specialized programs...of art, business, health, law, music, religion and technical or semi-engineering training"; of these, 192 were accredited by specialized national accrediting agencies. Some 235 or 36 percent were junior colleges; 18 or 3 percent were teachers colleges. Thus, of the 651 institutions without regional accreditation, 471 or 88 percent had historically been ineligible (largely because of their failure to provide enough liberal arts offerings). Over the years, progressively larger numbers have gradually become eligible, partly, one imagines, because they broadened their offerings and partly, because the regionals broadened their standards. In 1960, only 80 or 12 percent of the unaccredited institutions were private, four-year liberal arts colleges. Selden and Land concluded that "the era in which regional accreditation is utilized primarily as a means of signifying minimal academic competence is coming to an end, at least for undergraduate liberal arts colleges."[3]

The importance of size to accreditation is striking. Of 87 unaccredited institutions listed in the 1972 OE directory because of the acceptance of their credit by three accredited institutions, 68 enrolled less than 500 students. Of 256 institutions with no regional status, 232 or 90 percent enrolled less than 1,000 students. Of 1,088 institutions with less than 1,000 students, a fifth had no regional status, whereas only 1 of the 467 institutions enrolling 5,000 or more lacked some regional status. Size has become almost synonymous with regional accreditation (Table 2).

Wiley and Zald have shown that unaccredited institutions

Table 2

Regional Status of Institutions of Higher Education, By Size of Enrollment, Fall 1972

Regional Status	Enrollment			Total
	Under 1000	1000-2499	Over 2499	
	Number of institutions			
Accredited[a]	639	560	745	1,944
Preaccredited[b]	217	82	37	336
No Status	232	19	5	256
Total	1,088	661	787	2,536
	Percent of institutions			
Accredited[a]	59	85	95	77
Preaccredited[b]	20	12	5	13
No Status	21	3	1	10
Total	100	100	100	100

a. Including 13 four-year colleges accredited only as two-year colleges.
b. Including 177 institutions with correspondent and 159 with recognized candidate status.

Source: Analysis of 2,536 of the 2,686 institutions listed in the Higher Education Directory, 1972-73 for which information about both enrollment and regional accreditation was available. Percentages may not add to total due to rounding.

have been smaller than accredited institutions in all years which they examined from 1905 to 1959, in the Southern and North Central regions. In 1959, the average enrollment of unaccredited institutions was only a fifth that of accredited institutions in the South, and in the North Central region, less than an eighth.[3a]

The accreditation of junior colleges has long been a source of resentment against the regionals. Of the 662 junior colleges in the 1948 directory of the American Association of Junior Colleges, 491 or 74 percent were unaccredited. By the fall of 1972, the proportion was down to 45 percent on one calculation, and 34 percent on another.

These figures indicate a rise in the incidence of accreditation over that found in a 1969 analysis of 1,019 public post-secondary institutions (mainly two-year colleges) offering occupational programs, 533 or 52 percent of which were not accredited. The largest proportions are found in the New England, Southern, and North Central regions (Table 3). The Western Association has a separate commission to accredit junior colleges and the New England and Southern associations have established separate commissions to cope with the problem of vocational schools (both were speedily recognized by the Commissioner of Education); but the massive North Central Association goes its own way.

Unaccredited institutions are often simply new institutions. Without the flow of new colleges waiting patiently and politely to be accredited, the regionals would be far more idle. As it is, the applicant institutions must do a good deal of waiting.

Table 3

Accredited Status of Postsecondary Institutions Offering Occupational Programs, By Region, 1968-69

Region	Number of Institutions				Percent Unaccredited[b]
	Total	Accredited	Pre-accredited[a]	No status	
New England	69	12	12	45	83
Middle States	78	49	28	1	37
North Central	332	165	51	116	50
Southern	365	120	98	147	67
Northwest	79	50	15	14	37
Western	96	90	5	1	6
Total	1,019	486	209	324	52

a. Number with correspondent or affiliate status.
b. Percent of those with no regional status or with preaccredited status.

Source: Charles F. Ward, The State of Accreditation and Evaluation of Postsecondary Occupational Education in the United States, Center for Occupational Education, North Carolina State University at Raleigh, 1970, pp. 184-6. The precise date of these statistics is not given, but evidently they were compiled from questionnaires returned by state officials in 1969, supplemented by data in the 1968 directory of the American Association of Junior Colleges.

Accreditation takes time. An institution may become a "candidate" upon being legally authorized to operate but full accreditation--and the full evaluation by a visiting team that must precede it--must wait until "one class has completed the full program of instruction and been graduated." In turn, the team visit must await the completion of a self-study, and the self-study must await prior consultation with commission consultants. By all accounts, the conferral of initial accreditation is taken more seriously than its later extension. This is the time when the accrediting agency is most strongly placed vis-à-vis the institution, since it is easier to withhold a status that has not been conferred than subsequently to withdraw it. In addition, commission staff are busy, commission consultants and committee members are volunteers, and even if no critical educational problem emerges, the entire process may prove protracted. In several situations, the accreditation decision may be deliberately deferred for a year or two "to give a new institution time to mature...." All told, the Middle States handbook observes, "The application and acceptance process takes time: time for the institution to prepare the necessary documentation in a way which worthily represents it, time to make the required visit to the institution, time for the Commission staff and Committee on Developing Institutions to study the application, time for Commission action."[4]

An American Council on Education study found that at least 24 percent of the institutions which opened their doors in the years 1947-50 and 48 percent of those which opened during 1951-55 were not accredited by 1967. Institutions begun in 1956-60 were more likely to be accredited by 1967 than those begun in the preceding five years, many because they obtained accreditation through their parent institutions; but 65 percent of those founded in 1961-65 were unaccredited by 1967. It should be stressed that these were mainly conventional institutions. "There is no reason to believe that they are so commonly unconventional or innovative that their accreditation comes hard....the general picture is quite traditional."[5] They had simply not served their time on the accrediting queue.

In sum: most regionally unaccredited institutions listed in the OE higher education directory have been small--specialized professional schools, junior colleges, vocational schools, and new institutions. Two other identifiable groups have been small, sectarian, financially weak, liberal arts colleges; and 30-100 proprietary schools authorized to award associate or higher degrees. Thus, lack of regional accreditation often reflects not low educational quality but the fact that an institution has lodged in one or another interstitial gap in the accrediting system.

As has been noted, in the fall of 1972 only five institutions enrolling over 2,499 students held no regional status. On any test of quality, the faculty and student bodies of the 782 other institutions enrolling over 2,499 students would range over a wide quality spectrum, from outstanding to ordinary to quite poor. That would be true of almost any student bodies (be they tested on spelling, geography, carpentry, Regents, scholastic aptitude, or state licensing examinations) and of most faculties (be they measured by degrees, publications, honors, beard size, volubility, or other means). Yet the institutions housing these 782 diverse faculties and student bodies are all equally accredited. If accreditation is a mark of minimum quality, the mark must be very low, just above the level set by degree mills.

Since forsaking quality grades and objective indices in the 1930s, it is a moot question if regional accreditation is supposed to attest to the quality of an institution or rather, as the formula has since gone, to its effectiveness in achieving its stated purposes and objectives. Middle States insists that its commission "is not a standardizing agency" (our emphasis).[6] North Central points out that some accredited institutions "are highly selective; others admit all who have graduated from high school.... Some are characterized mainly by a strong intellectual tone; others place more emphasis on social adjustment." Accreditation signifies only that an institution "is achieving in an acceptable manner its avowed purposes."[7]

Hence, regional accreditation is not primarily a judgment of quality, or if it is--and the word remains inexpungeable in the literature as the idea is ineradicable from the minds of accreditors--it is a judgment of the different qualities of different kinds of institutions. Norman Burns comes to essentially the same conclusion: "Since institutional goals are many and varied, quality has many meanings."[8] That is a diplomatic resolution of the political and moral dilemma of drawing quality distinctions in American democracy: as every individual has creditable qualities, so every institution has accreditable ones.

Additional Degree-Granting Institutions

The OE higher education directory for 1972-73 was compiled from forms submitted by responding institutions and state officials from May to September 1972. More institutions were counted in two later surveys: 3,024 in the 1973 report of the American Association of Collegiate Registrars and Admissions Officers, evidently based upon forms submitted in the fall of 1972; and 3,243 in the forms submitted to us from August to early November 1973 by the heads of veterans state approving agencies. In both later surveys, the number of institutions was also higher in four-fifths or more of the states (Table 4). Presumably, some of the additional institutions represented new community colleges; proprietary schools authorized to award associate degrees; and small, unaccredited schools which did not qualify for inclusion in the OE directory. A number reported by veterans state approving officials were hospital schools classified as "institutions of higher learning" but often double counted with their affiliated college which awarded the degree.

A 1971 survey of postsecondary vocational programs identified at least 1,266 hospital "schools" (1,148 private and 118 public) enrolling 60,000 students or 47 per hospital.[9] The SASHEP study reported an enrollment of 30,662 students in October 1970 at a minimum of 1,075 hospitals, which offered 2,519 allied health programs accredited by the AMA and collaborating agencies, or an average of 12.2 students per program (the number per hospital would be larger); average enrollment ranged from 2.8 students in cytotechnology to 37.1 in physical therapy programs.[10] The National Commission on Accrediting once asked the American Society of

Table 4

Number of Degree-Granting Institutions of Higher Education by State, 1972-73: Three Counts

State	OE Directory[a]	AACRAO[b]	Veterans Approving Agencies[c]
Total	2,674	3,024	3,243
Alabama	51	53	74*
Alaska	3	13	3
Arizona	20	22	22
Arkansas	19	26	22
California	217	260	362
Colorado	32	42	48*
Connecticut	46	55	48*
Delaware	7	9	7
D.C.	20	23	46
Florida	64	69	119*
Georgia	61	75	60*
Hawaii	13	15	14
Idaho	9	11	10
Illinois	138	153	152*
Indiana	44	59	45*
Iowa	54	61	55
Kansas	52	53	54
Kentucky	36	53	50
Louisiana	23	42	30*
Maine	17	29	25
Maryland	48	54	50
Massachusetts	118	113	122
Michigan	87	94	94
Minnesota	59	61	73
Mississippi	41	47	47
Missouri	70	78	88
Montana	12	16	13
Nebraska	27	35	25
Nevada	6	6	7
New Hampshire	19	30	29
New Jersey	58	69	59
New Mexico	11	21	23*
New York	225	266	242
North Carolina	113	96	118
North Dakota	12	15	14*
Ohio	101	124	101*
Oklahoma	40	42	44
Oregon	40	44	49
Pennsylvania	146	153	184
Rhode Island	13	16	16
South Carolina	46	54	58
South Dakota	16	17	18
Tennessee	62	67	30*
Texas	134	131	150
Utah	13	11	13
Vermont	18	23	31*
Virginia	70	73	72
Washington	43	47	45
West Virginia	24	26	24
Wisconsin	58	56	85
Wyoming	8	8	8
Puerto Rico	10	8	10

* Estimate.

a. As reported in the Education Directory, 1972-73, Higher Education, U.S. Office of Education, 1972, p. xxii, Col. 2 (7 service schools and 5 institutions in outlying parts being excluded). This information was collected from May - September 1972.

b. As reported in Report of Credit Given by Educational Institutions, American Association of Collegiate Registrars and Admissions Officers, Washington, D.C., 1973, February 1973. Although no dates for the collection of information are indicated, the forms were presumably submitted toward the end of 1972.

c. As reported by the heads of veterans state approving agencies, August - October 1973, in response to a question in our survey which requested comparability with the definition and number given in the 1972-73 OE directory.

Clinical Pathologists to stop calling a "school" any program with less than ten students; on that test, many, perhaps half of all hospital "schools" would disappear. If the incidence of regional accreditation declines with institutional size, the same cannot be said of allied health program accreditation, which seems able to detect educational quality even in the absence of students and teachers. "Programs...are characterized not only by small enrollments but also by small teaching staffs.... Few hospitals...have as many as two persons who devote full time to their educational programs."[11]

As an estimate, in the fall of 1972, 1,300 hospitals offered one or more allied health programs. The AIES staff have classified them all as non-degree-granting; the VA staff, as "institutions of higher learning." Neither classification is fully accurate, since many hospitals award associate or higher degrees through affiliated colleges and universities; others award only their own certificates and diplomas; and still others do both. If we arbitrarily assign a third to each category or, since institutions are generally classified by the highest level degree they award, two-thirds to the degree-granting and one-third to the non-degree-granting sector, that would yield an estimated 867 hospital schools offering degree-level instruction. However since these schools do not themselves offer degrees, they do not increase the population of degree-granting institutions (though the estimated 433 hospital schools which award their own certificates augment the number of non-degree-granting postsecondary schools).

With minor corrections and an allowance of 150 for institutions not included in the OE directory, we may now estimate the total number of degree-granting institutions at 2,850 in the fall of 1972, of which 2,040 were regionally accredited, 375 held preaccredited status, and perhaps 435 held no regional status.

Non-Degree-Granting Postsecondary Institutions

The Education Amendments of 1972, Kenneth Young notes, "redefine...higher education as postsecondary education...."[12] Joseph Cosand, former deputy commissioner for higher education, sought to change his title and responsibilities to "postsecondary education"; the change was adopted toward the end of 1973. Increasingly, California, New York, and other states are talking, planning, and budgeting for "postsecondary," not "higher," education. The state planning commissions called for under the 1972 act are postsecondary commissions. The new federal agency conceived as a foundation for the improvement of higher education emerged from the legislative process as the Fund for the Improvement of Postsecondary Education. Robert Andringa, minority staff director of the House Committee on Education and Labor observes that "We [in the Congress] now think of 6,000 or 7,000 institutions in the 'postsecondary' community rather than the 2,600 institutions in the 'higher education' community"[13] — but the Congress does not have that accurate an idea of what it is thinking.

Nonetheless, the Congress and government officials have had a clearer and earlier idea of the direction in which public policy has been moving than leading spokesmen for higher education.

The 978-page statistical tome prepared by Seymour Harris for the Carnegie Commission on Higher Education is confined exclusively to degree-granting institutions and contains not one table on the larger universe of postsecondary education.[14] The shelffuls of books produced by the commission include nothing on non-degree-granting institutions except for an unpublished work on vocational schools by Virginia Smith. The commission itself ignored the existence of this sector throughout most of its six-year life but discovered it toward the end. In Toward a Learning Society, it frankly acknowledges

> We have not earlier...looked at postsecondary education in its entirety. This reflects the attention to higher education in our founding charter as a commission on higher education. It also reflects the only recent realization by us, and by many others, of the actual and potential importance of the other elements of postsecondary education in addition to colleges and universities.[15]

This obliviousness to postsecondary institutions not listed in the OE higher education directory has been characteristic of most higher educational scholars. It was true of our staff at the outset of this study. One effect has been to exaggerate the amount of federal money going to higher education, on the mistaken assumption that "higher" and "postsecondary" education were synonymous. Critical problems of policy, funding, and accountability are now posed by the extension of program eligibility to a large, relatively unknown, number of institutions.

The Idea of "Postsecondary" Education

The emergence of "postsecondary" education is attributable to many factors, including the declining public esteem for higher education following the disruptions of recent years; the rising costs of college and the declining employability of many graduates; the effort to tie the nation's educational expenditures more closely to its manpower needs; the effort to increase the practical usefulness of advanced education and to dignify vocational education. One central thrust of the idea of "career education" promoted by Commissioner Sidney Marland is the effort to refurbish and dignify vocational education. "Postsecondary" education is an eminently democratic concept that seeks to equate, for purposes of public policy, planning, and student aid, the education of physicians and nurses aides, of physicists and plumbers, of Ivy League freshmen and 17-year-old high-school dropouts who return to school to learn a trade. "Eleven hundred community colleges have more clout than forty-five members of the AAU" (The Association of American Universities), remarked one OE official in a 1972 interview. "For years it has been national policy to help a student to study Greek, but not to learn a trade," said another OE official. "Postsecondary" education seeks to correct that and to hold out the prospect of continuing education of any and every kind at any and every adult age.

So much for the underlying idea. But how are postsecondary institutions to be defined and counted?

If an accurate count of unaccredited degree-granting institutions is difficult, one of all non-degree-granting postsecondary schools is impossible from available data. Nonetheless, we must try as best we can to assess the gross dimensions and characteristics of this vast educational territory, newly opened by government policy to student settlement and private enterprise.

A majority of the postsecondary institutions eligible for

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insured student loans in December 1972 were non-degree-granting, and their number has been rising markedly for some years. If all such institutions were eligible, the loans might go to students at ten, twenty, or, on some estimates, thirty thousand schools. Only a portion of these schools have substantial fixed assets and a settled history. The rest come and go in response to environmental conditions.

Two such conditions are money and attention, which are likely to inflate the size of any educational sector examined in isolation from its neighbors, making the sum of the sectors larger than the whole. In this manner, both secondary schools and degree-granting colleges may also be counted as non-degree postsecondary schools if they offer some vocational, non-degree programs. Many "area vocational schools" are, in fact, high schools that give some vocational courses to 17-year-olds; and many junior colleges, colleges, and universities offer terminal vocational courses to high-school graduates.

The National Commission on the Financing of Postsecondary Education defines "postsecondary education" as "formal instruction, research, public service, and other learning opportunities offered by educational institutions that primarily serve persons who have completed secondary education or who are beyond the compulsory school attendance age and that are accredited by agencies officially recognized for that purpose by the U.S. Office of Education or are otherwise eligible to participate in federal programs." The commission also defines it as "Any learning opportunity that is organized and recognized and that is intended for persons who have completed their secondary education or who are beyond the compulsory school attendance age."[16]

The Accreditation and Institutional Eligibility Staff defines postsecondary institutions as "institutes, colleges, universities, or other schools offering instruction with educational, professional, or vocational objectives or offering educational credentials, primarily to persons who have completed or terminated their secondary education or who are beyond the compulsory high school attendance age."[17]

The AIES definition makes no mention of research and public service, which seem misplaced in a stricter definition of "education"; they were presumably included by the commission because it is difficult to separate these costs from the costs of instruction at many universities and professional schools. Contrariwise, the AIES definition includes schools or institutions not eligible for federal programs, excluded by the commission, again presumably, to simplify their problem of assessing costs. Since our main interest is to count institutions, not money, the AIES definition is more useful, and it is also closer to most of the statutory language. However, both definitions are less explicit than they might be about the degree of formal organization requisite for a "school" or "institution."

Let us, therefore, define a "postsecondary institution" as a formally organized, legally authorized, relatively stable school offering instruction for more than half of the year to students who have completed high school or are beyond high-school age. Some of the widely varied statistics on the number and enrollment of non-degree postsecondary institutions and their estimated costs or expenditures, are summarized in Table 5.

Table 5

Estimated Number of Private Non-Degree-Granting Postsecondary Schools, Students, and Costs, 1964-73

Source	Year	Number of Schools (thousands)	Number of Students (millions)	Average Number of Students	Total Cost (millions)	Average Cost Per Student
1	1964	35+	5.0	143	$125	$25
2	1966	7.1	1.6	221	$563-2,627	$360-1,889
3	1967	15				
4	1969		4.7 3.6[a] 1.1[b]			
5	1970	35				
6	1970		15.3 9.6[a] 5.7[b]			
7	1970		5.8 3.8[a] 2.0[b]		$1,873 1,610[a] 263[b]	$323 423[a] 132[b]
8	1970	7+	1.5+			$850-900
9	1971	9.7				
10	1971	8.4	3.3	387	$2,500	
11	1972	30				
		5-10	5.0	500-1,000		
12	1972	10	3.0	300		
13	1972		1.7			
14	1973	10	3.2			
15	1973	7.6+				

a. Regular enrollment b. Correspondence courses

Sources: Most of the schools included in these estimates are private proprietary schools offering non-degree courses; a number may be private nonprofit schools. Estimates in the 30-35,000 range include, and those in the 5-15,000 range exclude, avocational schools.

1. Harold F. Clark and Harold S. Sloan, Classrooms on Main Street, Teachers College Press, Columbia University, New York, 1966, p. 4. The tuition estimate seems much too low.

2. The school and enrollment figures derive from A. Harvey Belitsky, Private Vocational Schools and Their Students, Schenkman Publishing Co., Cambridge, Mass., 1969, p. 9. The cost figures derive from the Report of the Analysis Group, HEW Vocational Education Review Task Force, Operations Research, Inc., Silver Spring, Md., September 25, 1970, Vol. I, pp. 9-14; we have recalculated them here, since they are miscalculated in the original text. They are based

upon a low average of $360 per veteran enrollee and a high of $1,889 for 11,000 enrollees in "programs [not further specified] administered by the Office of Education." The extrapolations are fanciful, but no more so than many other estimates.

3. Estimate of Walter Gale, Office of Education, memorandum, May 22, 1967.

4. Estimated number of persons 17 years or older participating in education at public or private schools (3.6 million) and correspondence courses (1.1 million) in 1969, based upon a Census Current Population Survey (Imogene E. Okes, Participation in Adult Education 1969, Interim Report, Office of Education, 1971, pp. 28-9).

5. Joseph Hardman, "Accrediting and Licensing of Private Schools," address at annual conference of National Association of State Approving Agencies, Miami Beach, Florida, June 15, 1970.

6. Stanley Moses, The Learning Force: An Approach to the Politics of Education, Educational Policy Research Center, Syracuse University Research Corporation, Syracuse, N.Y., March 1970, p. 22.

7. Estimates in Toward a Learning Society, Alternative Channels to Life, Work, and Service, Carnegie Commission on Higher Education, Berkeley, Calif., October 1973 (offset text).

8. John Dellenback, "Report on Proprietary Vocational Schools," Congressional Record, Aug. 12, 1970, daily edition, p. E 7581.

9. Estimated number of non-degree schools in a 1971 OE survey of schools offering postsecondary vocational programs, subtracting 787 junior colleges, 390 colleges, and an estimated 867 hospital schools affiliated with degree-granting institutions from the 11,731 schools reporting.

10. Estimates in a document that cannot be further identified here.

11. Estimates of Richard Fulton in a July 1972 address reproduced in The Compass, October 1972, p. 8. The 30,000 estimate includes avocational schools.

12. Ronald S. Pugsley, U.S. Office of Education, Statement before the State of Wisconsin Educational Approval Board, Sept. 13, 1972.

13. Based upon 2,004 responses to a probability survey of 3,910 household residents conducted in 1972 by the Response Analysis Corporation for the Commission on Non-Traditional Study (Diversity by Design, Jossey-Bass, San Francisco, 1973, pp. 14-15, 82).

14. Consumer Bulletin No. 13, Federal Trade Commission, 1973, p. 3.

15. Responses of veterans state approving agency officials to a question about the number of licensed non-degree-granting postsecondary schools asked in our survey conducted August - October 1973; six states did not respond to this question.

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The estimates of 30-35,000 private proprietary (they are sometimes called "specialty") schools include avocational and recreational schools. The number can be little more than a hunch based upon the assumption that there are as many or more avocational as vocational schools. How many is anyone's guess, since such "schools" often need not be licensed and are excluded from federal programs. What is and is not avocational can be difficult to determine; the same instruction--e.g., in photography, flying, art, music, voice, modeling, foreign language, speed reading, "self-improvement," and even typing--can be vocational for some students and avocational for others. In the appendix to our survey, we asked veterans state approving agency officials who felt able to do so to estimate the number of "strictly avocational schools such as those teaching social dancing, arts and crafts, sports, hobbies, and other leisure time activities," but only seven did so (Table 6).

The results are puzzling. Are there really no avocational schools in New Mexico? Why is the District of Columbia the only jurisdiction reporting more avocational than vocational schools? Perhaps the number reported approximates the number for which licenses are required in a given jurisdiction and, plainly, the statutory inclusion or exclusion of even one numerous group such as modeling or driver training schools can markedly alter the response.

Table 6

Estimated Number of Private Postsecondary Vocational and Avocational Schools in Six States and the District of Columbia, 1973

State	Vocational	Avocational
Maryland	222	70
Kentucky	139	50
Minnesota	125	10
New Mexico	120	0
Utah	69	35
District of Columbia	54	75
New Hampshire	48	5
Total	777	245

Source: Survey of veterans state approving agency officials, August - October 1973.

Public Postsecondary Schools

Estimates of the number of public, non-degree-granting, exclusively postsecondary schools are strangely absent from the sources we have searched. Many non-degree vocational postsecondary courses and programs are reported; but exclusively postsecondary institutions which do not grant degrees? There may be 500 or 2,000: we simply do not know. In November 1972, veterans attended some 2,095 public "institutions below college level"; but we do not know how many were secondary schools, A 1971 OE survey identified 737 public postsecondary vocational schools and institutes, and 118 public hospital schools; we do not know how many did and did not award degrees (most, probably, did not). In 1969, OE identified 470 public technical/vocational postsecondary schools and another 212 joint secondary/postsecondary schools; in 1970, 941 public area vocational schools, many operating also at the secondary or associate degree levels. The Carnegie Commission on Higher Education estimates a 1970 enrollment of 1 million students (or a full-time equivalent of 350,000) in public postsecondary "programs" (not schools) with an average enrollment of 447 students in 2,237 programs at a total instructional cost of $459 million.[18] The Office of Education estimated a 1971 enrollment of 2.3 million in public postsecondary schools. Any one of the foregoing numbers seems to enhance our knowledge but all taken together enhance our confusion.

Statistics on the number of postsecondary institutions are confounded by multiple counting and methodological inconsistencies. We have already mentioned how each hospital "school" of nursing or allied health is counted separately by the Veterans Administration and the Office of Education, inflating the number of postsecondary "schools" by 1,000 to 2,000 or more. An indeterminate number of these "schools," which award degrees through affiliated colleges and universities, are not independent institutions. If they are to be regarded as independent, then each higher educational "institution" in the OE directory should be counted not once but as many times as it offers separately identifiable academic, vocational, or professional programs and degrees. It is preposterous to count as a "school" a hospital-based program enrolling two students, and yet not count massive university-based schools of medicine, education, law, and engineering. Yet that preposterous practice is the rule in most OE "postsecondary" statistics.

The public vocational sector is confounded by the presence in many institutions of vocational and liberal arts instruction, of students under and over the statutory age of "postsecondary" puberty, of courses which are and are not acceptable for college credit, and of programs which do and do not terminate in degrees. As Charles Ward observes,

> ...occupational education ranges in level from the junior high school through the equivalent of the first two years of a baccalaureate program. To further complicate the problem, occupational education at the postsecondary level is offered in comprehensive community colleges, technical institutes, area vocational schools, and even in institutions which function as technical-vocational high schools in the daytime and as postsecondary occupational education institutions in the evenin

This amalgam of diverse educational streams and levels in the same institution has been a major obstacle to the initiation of vocational school accreditation by the regional associations. Accustome to the historical distinction between "secondary" and "higher" educatio (and accrediting commissions) in the liberal arts tradition, they have had difficulty accommodating themselves to the unaccustomed realities of vocational education. Falling between two stools, public postsecond vocational education has thus remained undefined, unrecognized--and unaccredited.

The baneful consequences of standardization attacked by the critics of accreditation are the obverse side of a valuable function which accreditation can perform only insofar as it defines and maintains standards: the enlightenment of the public about identifiable segments of the educational universe. No serious student of education can afford to sneer at accreditation when he sees the morass of ignorance in which we are left without it and the semblance of order that it can introduce. Since the Southern and New England associations established separate commissions on vocational education, they have begun to introduce some order into the postsecondary morass in their regions. Thus, the Southern Association Committee on Occupational Education has published a list of 104 affiliated vocational and technical schools in seven states, enrolling some 88,000 students or an average of 850; the address of each school and the name of each director is also provided, together with the detailed standards that each is expected to meet.

Let us return to Table 5 and see what else we can learn from it.

We do not know how many private, postsecondary non-degree-granting schools are nonprofit. A number of the schools accredited by the National Home Study Council and the Association of Independent Colleges and Schools are nonprofit and the same must be true of the entire population of 10,000 to 30,000 or more private schools: but how many and what kinds? All nonprofit schools are not governed, like private colleges, by large public boards; many, sometimes called anomolously "proprietary nonprofits," are more closely held.

The estimated number of students at private non-degree-granting postsecondary schools ranges from 1.5 to 15.3 million; the high estimates must include students in adult education, correspondence, and estension courses. The estimated average enrollment ranges from 143 to 1,000 per school. The high figure, given by Richard Fulton, explicitly refers to the average number of students passing through a school in a year. The number present at a given date might be half or a third of those who pass through in a year--as of October 1, 1972, it was an average of about 258 full-time-equivalent students at 479 accredited business schools.[20]

Most of the statistics painfully fail to convert enrollment and cost estimates into comparable terms, adding in one merry sum full-time year-round, full-time short-term, part-time year-round, and part-time short-term students. The one attempt we have seen to convert these statistics into terms comparable with established statistics for higher educational institutions is that of the Carnegie Commission on Higher Education in Toward a Learning Society. The result is a vast deflation in the magnitude of postsecondary enrollments. Correspondence school enrollment alone is deflated from a total of 2 million students to a full-time equivalent of 50,000. Postsecondary enrollment in all non-degree-granting institutions is estimated at the full-time equivalent of 2 million, barely a fifth of the comparable 10.9 million enrollment in degree-granting institutions. However, non-degree-schools appear more economical than higher educational institutions per student hour, except for correspondence courses which prove to be the most expensive form of instruction on an hourly basis, though one of the cheapest in average program cost (Table 7).

What can now be said about the status of accreditation in the non-degree postsecondary sector?

Table 7

Comparative Enrollments and Costs of Higher Educational and Other Postsecondary Institutions, 1970 (Estimated)

Institution	Number of enrollments in		Instructional costs			Economic costs*	
	Programs (thousands)	Full-time equivalents (thousands)	Total (millions)	Per program enrollment	Per enrollee man hour	Per program enrollment	Per enrollee man hour
Degree-granting institutions	15,200	10,850	$17,694				
Full-time degree-credit	8,900	8,900	15,412	$1,736	$4.44	$4,272	$10.93
Part-time degree and non-degree-credit	6,300	1,950	2,282	360	3.00	783	6.53
Non-degree-postsecondary education in	10,700	2,050	2,621				
Elementary and secondary schools	3,900	300	289	75	2.50	110	3.69
Public postsecondary schools	1,000	350	459	447	3.50	903	7.06
Regular proprietary schools	3,800	1,350	1,610	423	3.00	792	5.61
Correspondence schools	2,000	50	263	132	14.00	156	16.61
Total	25,900	12,900	$20,315				

* Instructional costs plus costs of forgone earnings.

Source: Toward a Learning Society, Carnegie Commission on Higher Education, McGraw-Hill, N.Y., 1973, pp. 35-6, 38-9.

Little can be added to what has already been said about the public portion. Accepting the Carnegie Commission's figures, some 3.9 million part-time postsecondary students, or a full-time-equivalent of 300,000, were receiving instruction in secondary (and even some elementary) schools in 1970. However, our study has been confined to postsecondary schools and accrediting, and we have made no inquiries about the accredited status of these secondary schools, which was determined by the regional secondary school commissions.

Throughout the history of regional accreditation, it seems, there have been groups of institutions ineligible for a period, which were subsequently rendered eligible when their numbers and pressures rose--teachers colleges, junior colleges, and specialized institutions. Public postsecondary vocational schools are following a well-worn path. Since regional accreditation was not available to most of these schools, their lack of accreditation means nothing in educational terms. In September 1971, AIES counted at least 1,024 public postsecondary vocational schools of which 158 were accredited hospital schools of allied health or nursing, 61 were vocational schools accredited by the Southern association, and the remaining 805 were evidently unaccredited. The last figure is not fully reliable but it is the best that can be offered here.

The Proprietary School Sector

This brings us to the private proprietary school sector, about which a good deal more must be said because it presents many of the key problems of federal program eligibility.

In recent years, fortune has smiled on proprietary schools.

Federal and state legislatures have liked their practical, no frills outlook (and their lack of critical philosophizing, political activism, or student protest), their comparative cheapness, their experience in conveying useful skills quickly, their attitude of serving rather than disdaining industry, their ready adaptability to changing market demands and active interest in placement. To many, they have seemed a useful counterweight to the academicism of liberal arts colleges and the ineffectiveness of training in large and unruly public junior colleges and technical institutes. It was natural for a free-market ideologist like Milton Friedman and an advocate of student vouchers like James Coleman to testify on behalf of proprietary education in the Marjorie Webster case; anyone who believes that competition is as good in education as in business might favor an expanded role for business in education.

Almost everyone, it seems, wishes proprietary schools well these days--except for a long list of those who view them with hostility, suspicion, indifference, or scorn. For, regardless of how well they may stand with the government, industry, and large segments of the public, they remain low man on the educational totem pole; and since, if accreditation is anything, it is a mark of status, the lowly status of proprietary schools and their accrediting agencies cannot be ignored in any realistic assessment of their place in the postsecondary universe. In part, this is due to their concentration on vocational education; in part, to their having been cast out of the educational temple fifty or sixty years ago, and never invited back in. As we have seen, education for the professions was once dominated by proprietary schools, but the rise of the modern professions went together with the fall of proprietary education, and it will be many years, if ever, before it is restored to the position it held before the days of Flexner. Even so conservative a professional body as the AMA has difficulty today in acknowledging the value, or countenancing the accreditation, of the proprietary education in allied health fields.

The same is true of such neighboring fields as dentistry, optometry, veterinary medicine, and nursing. Wherever proprietary programs are accredited in these fields, either (in a very few cases) by the paramount professional association or (more typically) by a new and more humble agency created for the purpose, they are designed to train paramedical and laboratory technicians, physician' and dental assistants, practical nurses, and other lowly aides of the lofty professions. Proprietary and vocational schools serve to provide low-paid help to the high-paid graduates of university professional schools, The ideology of business enterprise may dominate our economy but the ideology of the medieval guild continues to dominate education for the professions and their ancillary crafts.

One commercial directory lists the names and addresses of some 5,000 industrial, vocational, and trade schools, It is published in a looseleaf format, which is wise, in view of the schools' volatility.[21] The California veterans approving agency reported 1,265 licensed postsecondary schools to us in October 1973; a 1971 OE survey received responses from 1,328 proprietary schools in the state; a third survey compiled "a verified list of 1,788" as of May 1972.[22] The more time that is taken in compiling a list, the more schools it is likely to contain, if only because new births enter the public record more rapidly than deaths are cleansed from it. The few surveys which have attempted to reach numbers of unaccredited schools invariably receive many letters returned in the mails as undeliverable. One section of the New York state education department reported 229 private trade school licenses in force in 1970 and 236 in 1971: 25 were newly issued, and 18 had expired during the year, representing as annual birth rate of 11, and a death rate of 8, percent.[23] Of 150 proprietary schools in four cities contacted by Wolman and her colleagues over a nine-month period, 37 went out of business.[24] The most comprehensive recent survey, undertaken by OE in 1971, identified 8,258 proprietary schools nationwide; since the forms were completed over a period of many months (and the resultant directory was not published until 1973) more than 1,000 may no longer exist, though they have doubtless been replaced by many whose names have yet to be discovered. The distribution by type of school is shown in Table 8.

An estimate for 1971 prepared independently of the OE tabulation, yielded a population of 8,439 proprietary schools, roughly in line with the numbers reported in the OE survey; but it appears that OE shied off surveying over 600 unaccredited correspondence schools. That skittishness, and OE's debarment from its published directory of 3,549 schools ineligible for either federally insured loans or veterans benefits, should be noted. It has, we believe, a larger significance not entirely dissimilar from President Taft's suppression of the Babcock ratings, in indicating the amount of information that we can expect a government agency to disclose.

Table 8

Proprietary Schools by Type, 1971

Type	Number	Percent
Cosmetology	2,433	29
Flight	1,861	23
Business	1,635	20
Technical	1,001	12
Trade	912	11
Correspondence	152	2
Other	264	3
Total	8,258	100

Source:
Tabulation of the proprietary, non-degree-granting portion of 11,731 postsecondary schools with vocational programs, of which 8,182 (including 5,036 proprietary schools) were published in Evelyn R. Kay, Directory of Postsecondary Schools with Occupational Programs 1971, Public and Private, U.S. Office of Education, 1973.

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Proprietary School Characteristics

Before proceeding to compare the characteristics of accredited and unaccredited schools, let us stop to describe proprietary schools as a type. It is not easy to do this, because of their extraordinary diversity and volatility, their general non-responsiveness to surveys, and their private-property view of operating information. (When we innocently asked a large correspondence school about its experience with student loans, the first response we received was a phone call from an attorney asking why we wanted the information.) It is even more difficult to draw meaningful comparisons between proprietary and public vocational schools and between accredited and unaccredited proprietary schools, because comparable and representative samples simply do not exist: they are hard to devise in principle and almost impossible to obtain in practice. Most of our knowledge therefore stems from accredited schools.

Independent studies of unaccredited as well as accredited proprietary schools are urgently needed to lay the basis for improved public policies and informed student choice. Unaccredited proprietary schools would advance their cause if they did more to announce themselves to the world and to public observers--to educators, counselors, journalists, and scholars. The proprietary school associations formed in an increasing number of states have advertised their schools to high-school students and counselors; alerted their members to government regulatory requirements--and to how seriously or laxly they are likely to be enforced; and have lobbied with state legislators and licensing bodies for favorable regulations, for the right to award associate degrees, and for subcontracting by public schools. However, their promotional interests, competitive membership, nonacademic outlook, and sparse resources have limited the information they impart to the public. It will be many years before proprietary schools are known a tenth as well as institutions of higher education.

Most of what we now know about them derives from protagonists and detractors. Chief among the detractors have been journalists, consumer advocates, and regulatory officials, who,

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disturbed by the abuses they encounter, assume them to characterize most, or many, proprietary schools. These abuses include misrepresentations in advertising and recruiting by commissioned salesmen; the admission of all paying applicants, regardless of ability; inequitable, or no, refunds to students who withdraw; poor physical conditions and equipment; poor to useless instruction; inadequate record keeping; and poor or nonexistent placement services. Schools prey on the weak and downtrodden (recruiters have been known to go systematically through housing projects, slum high schools, and military bases), stirring the hope of simple and ignorant persons for glamorous jobs that do not exist and for which they will never qualify.

Good and honest schools, of which we hope there are many more than poor and dishonest ones (though no one can say exactly what are their respective numbers), exhibit all the opposite features. Chief among their protagonists are representatives of agencies accrediting proprietary schools; school owners and their attorneys and lobbyists; practical-minded Congressmen; OE officials who (sometimes desperately) rely on those agencies to save them from the abuses of which they are well aware (though they tend to discount their incidence and severity); and scholars who, finding accredited schools the best known and easiest to study, help to make them better known and do not bite the hand that feeds them information.

In a broad educational, economic, and political sense, proprietary schools compete for students, status, money, and governmental dispensations with all public and nonprofit institutions. The point is highlighted by the preference of some spokesmen for the terms "tax-paying, tax-consuming, and tax-avoiding" institutions. However, certain factors (such as the importance to both of tuition income, and, hence, their support of government aid to students) can unite the for-profit and nonprofit private sectors against the public. Due to the emphasis of private higher education on the liberal arts and professions, proprietary schools are in more direct competition with public vocational schools and junior colleges. One cannot attend a meeting of proprietary school owners without hearing criticisms of the wastefulness and ineffectiveness of public schools; complaints about how enrollments dropped off after the local community college embarked on a new program in data processing or office management; and--the final, bitter blow--how they have to pay taxes to subsidize their opposition.

Many proprietary schools have gone under as a result. Those which survive have done so by offering students something they could not get in free public institutions (or by leading them to think that for long enough to sign an enrollment contract): small classes; quick, practical training without academic philosophizing; help in placement; few questions asked prior to admission; and unique specialized courses and equipment which the ponderous bureaucracy of large public educational systems cannot readily provide. They may also be physically more accessible than many junior colleges which have moved to the suburbs to escape the problems of the inner city.

A mere recital of private school offerings is instructive. In addition to drafting, aviation and automotive trades, beauty culture, modeling, barbering, medical and dental technology, computer programming, printing, photography, commercial art, radio and TV repairs, and bartending a New York state report lists courses in the garment trades, brewing, electrolysis, security officer, finger printing, floristry, foods and dietetics, jewelry trades, baby and geriatric care, marine navigation, neon signs, dry cleaning, pressing, hotel training, upholstery, Swedish massage, dog grooming, and farrier. There are courses in English for foreigners and foreign languages for Americans, in belly dancing and social dancing, Chinese cooking and French cooking, auto and truck driving; tax returns, real estate, and investments; there are probably unlicensed courses in gambling, striptease, distilling, burglary, and guerilla warfare.

Common features of proprietary schools (other than correspondence schools) are their smallness, the frequency with which courses are started and students admitted, and the relatively short (seldom as long as a year) but intensive period of instruction in a narrow range of technical subject matter. We were, no doubt, invited to above-average schools; an overriding impression we gained there was of intensive, no-nonsense instruction and student concentration with none of the physical comforts, cultural interests, or social activities, the sense of relaxation or even frivolity of the liberal arts college. Schools operate year-round and accept part-time as well as full-time students, often of markedly different backgrounds. At one central city secretarial school we visited, day students were mainly young middle-class white suburban women studying full time in preparation for their first job; evening students were mainly young black women studying part-time after having completed a day's work.

The Carnegie Commission data show that proprietary education is relatively economical. It is economical, though profitable, because it makes the maximum day and year round use of its capital investment and wastes no money on lawns or building maintenance (most schools are in rented facilities) -- or on libraries, museums, invited lecturers, concerts, and other offerings that distinguish a cultural from an occupational institution. In the barbering, cosmetology, nursing and allied health fields, schools are so closely linked to practice that ethical issues can arise of just when and where to draw the line between a student who pays for instruction and an apprentice who earns at least his keep while he learns. The close tie between a plant and a school, a "knowledge industry" corporation (such as a book or computer firm) and a school, or a commercial or hospital laboratory and a school can facilitate training and placement but also can pose conflicts of practical interest and educational philosophy for the school managers.

Proprietary schools are also economical because they have few highly paid, and no tenured or unionized, faculty. Low average pay may be partially compensated for by the fact that proprietary schools often have a better teacher: student ratio than community colleges. Teachers -- "professors" would be inapplicable -- are on short term or yearly salaries roughly comparable to those at high school; they rarely hold graduate degrees and need not have jumped through all the academic hoops required of certified high-school teachers. Of 726 teachers in a 1966 survey of accredited trade and technical schools, 387 had no more than a high-school education, 246 a bachelor's, and 28 a higher degree. Most teachers entered trade schools directly from the world of work in which they had had at least eight years experience, not necessarily in the same field that they were teaching.

Faculty in business schools tend to have more formal educational qualifications. They may teach 25 or 30 hours a week (31 hours was the maximum permitted under AICS 1973 standards). Of 510 full-time teachers at accredited NATTS schools, 343 worked 35 hours a week and 119, 40 hours, in 1966. The hard work, modest pay and limited opportunity for professional advancement can lead to a high turnover. Of 477 teachers at NATTS schools, 120 had been in their position for a year or less and 246, for 3 year or less. "It is obvious," Elouise Johnson writes, "that the private trade and technical school has a considerable turnover problem."[25]

Staff, student and program turnover can also result from changes in ownership and management. Normal management turnover has been increased by the recent entry of large corporate chains into the business. "Institutions often are bought, sold, merged, opened or closed, for business and economic reasons unrelated to education."[26]

Many good schools have a normal flow of students by personal referr without lifting a finger to get them. And some good schools are in dange of closing because they do not spend enough on advertising. An example was a small dental technology school we visited, with first-class equipment and instruction but too few students to sustain itself (unless, as was likely, the owner could write off his losses against the profits of his busy dental technology laboratory which manufactured false teeth next door). The manager seemed a model professional man, devoted to the technical and intellectual aspects of his profession, but a poor businessman. But most schools assign large sums to advertising and recruiting, with the ever-present danger of misrepresentation, or of relaxed standards of honesty and candor, in order to maintain tuition volume.

One thing even good proprietary schools have failed to achieve is the sense of alumni loyalty. This is a price they pay for their efficiency, their lean quarters, the constant influx and exodus of students, staff, and managers, the lack of leisure and contemplation, for their contractual rather than academic character: they can produce trained persons, but not a sense of community. However, all too few colleges succeed at that these days, and the situation of colleges and proprietary schools is the same in another respect: only those with too many applicants can afford to raise their admission standards. If a community college has low standards because it cannot, by law, turn anyone away, many proprietary schools have low standards because they cannot, out of economic necessity, turn anyone away. If hard-pressed or greedy proprietary schools misrepresent the education they offer, so do hard-pressed academic administrators and faculty greedy for influence. It is possible but unlikely that in allocating virtue among men, God gave more to those at nonprofit institutions.

Accredited and Unaccredited Proprietary Schools

And what can be said of the comparative virtues of accredited and unaccredited schools? A cross-section of the proprietary universe, with estimates of the place of accredited and unaccredited schools in each of four major subsections, is given in Table 9.

The enrollment estimates for cosmetology schools are too low. Belitsky put them at an average of 110 students a year in 1966 or a total of 272,000 nationally in 2,477 schools;[27] a good source put the average enrollment of accredited schools at about 50 students, in 1972. (The Cosmetology Accrediting Commission will not accredit schools with less than 18 or 20 students, because most state boards require one teacher for every 15 to 20 students, which sets a lower limit to the size of an accredited school with even one full-time teacher.) Nonetheless, the estimates are useful in indicating the larger size of accredited schools and the relative inroads of accreditation in each broad field.

The dominance, in their respective markets, of correspondence and business schools accredited by NHSC and AICS is noteworthy, as is the distance that schools accredited by the National Association of Trade and Technical Schools (NATTS) and the Cosmetology Accrediting Commission (CAC) have to go before they assume such a position. The remaining agency accrediting predominantly in the proprietary field, the Accrediting Bureau of Medical Laboratory Schools, is in a shakier position. In October 1973, it accredited 106 programs in fields dominated by the American Medical Association, which accredited vastly more programs in public and nonprofit institutions and hospitals. Should the AMA enter the proprietary field in a major way, it would threaten its small rival much as the opening of a supermarket threatens the survival of a small grocery.

Table 9

Estimated Number, Enrollment, and Income of Accredited and Unaccredited Proprietary Schools, 1971

Type of School	Total	Accredited	Unaccredited	Percent Accredited
	Number of schools			
Total	8,439	1,419	7,020	17
Trade and technical	3,320	320	3,000	10
Cosmetology	3,152	452	2,700	14
Business	1,200	480	720	40
Correspondence	767	167	600	22
	Annual enrollment (thousands)			
Total	3,288	1,918	1,370	58
Trade and technical	878	128	750	15
Cosmetology	60	10	50	17
Business	220	150	70	68
Correspondence	2,130	1,630	500	77
	Average enrollment			
Total	390	1,352	195	
Trade and technical	264	400	250	
Cosmetology	19	22	19	
Business	183	313	97	
Correspondence	2,777	9,760	833	

Source: May not be identified, but derives in part from estimates provided at the time by the four agencies accrediting in these fields.

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The greater inroads of accreditation in the business and correspondence school fields reflect their longer history of effort, traceable to the founding of the National Association of Accredited Commercial Schools in 1912 and the National Home Study Council in 1926. Their current accrediting commissions were formed in 1952 and 1955, and recognized by the Commissioner of Education in 1956 and 1959, respectively. In the organizational mode of the 1970s, accreditation by all four agencies has been much influenced by the eligibility provisions of federal legislation, particularly the 1952 Veterans Readjustment Assistance Act and the 1965 legislation extending insured loans to students at proprietary schools accredited by recognized agencies. Numerous observers attest that the lines began to form at the agencies' doors after 1965. In that year, only 9 Texas business schools were accredited; by 1970, there were 32, and applications were pending from 12 more.[28] Accreditation was said to add a clear sum to the marketable value of business schools, and it is doubtful that the resolve of the Association of Independent Colleges and Schools, in 1973, to withdraw and reexamine the accreditation of all schools changing ownership has eliminated its value. Accredited correspondence schools enrolled about 88 percent of the 212,000 veterans taking correspondence courses from June 1966 through June 1970. The twelve schools which enrolled the largest number of veteran beneficiaries in 1972 (each then enrolled from 5.5 to 51.1 thousand beneficiaries) were all accredited correspondence schools.

"Private schools had very little interest in accreditation" prior to 1965, writes a knowledgeable Ohio educator.[29] NATTS itself, not coincidentally, was formed in 1965 and recognized in

1967, after the minimum two-year wait required by OE regulations. "Shortly after..., nearly 100 schools applied for membership.... Requests for information were received from hundreds of other schools."[30] Some 151 schools were accredited by NATTS in 1966; 406 in 1973, and a staff of nine has been arranging 25 new site visits a month. The first list of accredited business schools, published in 1953-54, contained 115 schools; in 1973, AICS accredited 507. The number of NHSC-accredited schools grew from 52 in 1955 to 188 in 1973. The recent growth in accreditation by the four major agencies accrediting proprietary schools is indicated in Table 10.

As they constituted less of a professional community, the self-esteem of accreditation has probably meant less to proprietary schools than to most colleges. The fact that most agencies accrediting proprietary schools are much younger than the regionals might alone suggest that. It is interesting that both AICS and NHSC, which have been accrediting longest, have a significant admixture of nonprofit numbers. Business schools are white-collar schools, while, for all of its illusions and puffery if not chicanery, correspondence education has long been infused with a public service outlook vouchsafed by the Carnegie Corporation, the Armed Services, and other established bodies. However, proprietary school agencies have a long way to go before they achieve the standing of the regionals. Even critics view regional accreditation, like the Liberty Bell, as a cracked and unresounding symbol of something worthy; proprietary school accreditation has a more dubious status.

Table 10

Number of Private Schools Accredited by Four Agencies, 1971 - 73

Agency	Years		
	1973	1972	1971
CAC	547	510	452
AICS	507	499	480
NATTS	406	340	320
NHSC	188	181	167
Total	1,648	1,530	1,419

Source: 1972 and 1973, survey of accrediting agencies: 1971, Table 11

In December 1973, some 10 percent of the schools accredited by AICS and 12 schools accredited by NHSC were nonprofit.

Some evidence of this is provided by the responses we received from the heads of veteran state approving agencies (Table 11). The lesser readiness of these officials to accept accreditation as attesting to the quality or, especially, the probity of proprietary schools than of colleges is plain. (They are also less inclined to trust it as a test of probity at colleges.)

The grounds of skepticism, set forth in their comments, may be summarized thus: accreditation visits every five years are too infrequent to monitor the status of a school--"educational quality in these schools...changes overnight"; "the accrediting agencies do not police their members adequately"; "we have far more complaints regarding accredited proprietary schools than non-accredited schools"; "no relationship has been shown between integrity and accreditation"; and many accredited schools are inferior to unaccredited ones.

Some Characteristics of Unaccredited Schools

Few comparisons of accredited and unaccredited schools have been conducted.

One, undertaken by Virginia Smith for the Carnegie Commission on Higher Education, apparently shows few marked differences between accredited and unaccredited schools. The latter are often smaller, but not necessarily of lower quality; they may spend relatively more on advertising than accredited schools (correspondence schools excepted).[31]

A General Accounting Office study found "no significant difference in the drop-out rate for veterans enrolled in accredited courses and...in non-accredited courses."[32]

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Table 11

Is Accreditation a Good Indication of

An Institution's Quality and Probity?

Answers of veterans approving agency heads	Quality of		Probity of	
	Colleges	Proprietary Schools	Colleges	Proprietary Schools
Yes	37	23	32	17
No	5	19	7	20
Don't know or no answer	10	10	13	15
Total	52	52	52	52

Source: Responses of the heads of veterans approving agencies in 50 sta the District of Columbia, and Puerto Rico to four questions in a survey conducted August - November 1973: "In your opinion, is regional accredi tion a good indication of the educational quality of a degree-granting institution? Is regional accreditation a good indication of the probity the honesty and integrity -- of a degree-granting institution?" (One "usually" entered as "yes" in response to both questions.)

The next two questions followed one about "non-degree-granting postsecondary schools accredited by agencies recognized by the U. S. Commissioner of Education (such as the Association of Independent Colleg and Schools, the Cosmetology Accrediting Commission, the National Associ tion of Trade and Technical Schools, and the National Home Study Council ..." The questions were: "In your opinion, is accreditation by these agencies a good indication of the educational quality of postsecondary schools?" (one "fair" has been entered as "yes" and one "not necessarily as "no") and "Is accreditation by these agencies a good indication of the probity -- the honesty and integrity -- of these schools?" (two "fair" entered as "yes"; one "not necessarily" and one "uneven," as "no"

A third study found that unaccredited schools enrolled students with less years of education and lower high-school grades. However, they were somewhat better at job placement: more of their graduates obtained "related jobs ... and evaluate school training and placement services favorably." The authors concluded that "accreditation procedures ... do not insure superior output standards ... the limited amount of data obtained provides no basis for public policies favoring one type of school over another."[33]

Many unaccredited schools are simply new schools, since a school must operate for two -- a correspondence school, for five -- years to qualify. In view of their high birth rate and market responsiveness, this restriction affects relatively more proprietary schools than colleges. Nor have the agencies accrediting proprietary schools introduced a preaccreditation category comparable to those of the regionals. Federal statutes do not extend eligibility to proprietary schools with a "reasonable assurance" of accreditation but only to those which are fully accredited. The absence of preaccreditation has raised the market value of accreditation, since a new owner wanting to qualify immediately for insured loans has had to buy an accredited school. The chairman of the educational division of a company which bought six schools since 1970 (and examined 100 in the process) informed us that one basic requirement was that the school be already accredited. The requirement was set not only to qualify students for loans, but as a quality assurance (which, however, many of the 94 other accredited schools did not meet to the company's satisfaction).

When a rash of schools crop up quickly in a given field, all can be unaccredited for a period. Thus, few of the hundreds of computer schools which sprang up some years ago were accredited. In 1968, William Goddard, executive director of NATTS, estimated that there were 700 to 1,000 computer schools, of which 29 were accredited by NATTS or ACBS. Only one of the 101 Electronic Computer Programming Institutes was then accredited. "...there are plenty of good schools that haven't been accredited," Goddard told a reporter. "...it's sort of unfair to use that yardstick."[34]

Some schools remain unaccredited to maintain their program flexibility. They are uncertain, for example, if they will want to enlarge their business or trade courses. Expansion might require special approval from the agency or even dual accreditation; they prefer none. Others do not see what they would gain for the fee. State and city inspectors they cannot avoid; they do not want another set. Schools with a good reputation and a steady clientele may feel no need for accreditation. "...some fine, established schools feel they don't need it."[35] Schools with highly specialized offerings like chicken-sexing or flower arranging or a "classy" field like art or high fashion may look down their noses at NATTS, the nearest there is to a miscellaneous accrediting agency. One prominent school of dramatic arts reportedly withdrew from NATTS, fearing that the association could hurt its public image. Such schools might feel differently about an accrediting agency of their own. Some correspondence courses have been ineligible for accreditation by the NHSC commission. For example, courses in religion were formerly ineligible but are now accreditable; "exotic offerings"--not further defined--remain ineligible.[36]

Some schools do not apply for accreditation (or, if accredited, for government eligibility) because, to put it bluntly, they want to discriminate (they might say, "to be discriminating") in admitting students. The owner of one accredited trade school, we were told, relinquished accreditation because "he doesn't want his hand held and he won't take veterans." There are "snob schools" in all regions and the wealthier are students' families, the less interest they have in federal aid. Certain "white glove" secretarial schools (accredited and unaccredited), one informant observed, have "commercialized the WASP ethic," turning out well-groomed graduates for the executive secretary market.

The owner of a midwest welding school saw no difference between the quality of accredited and unaccredited schools. If a student quits, he gets a refund. "I don't want something for nothing." He has three teachers for 20 students who come, some from great distances, by personal referrals. There is a steady demand for welders and he receives constant calls for his graduates, all of whom get jobs. He does not advertise. His school is unaccredited and he is not interested in accreditation.

According to one state official, many unaccredited schools are honest but small "Mom and Pop" schools, with less "dynamic" leadership than accredited schools. Accreditation, he believes, means that a school has the resources and sophistication to conduct a self-study, to prepare eleven copies of the necessary materials, and to pay the expenses of a visiting team. In contrast, "Mr. and Mrs. _____ have been in the school business for 27 years. They don't have the resources to get accredited, but we have no problems with them. They're simple people.... What they would send to NATTS [as a self-study] they [NATTS] would throw in the basket." (We are dubious about the self-studies. Those we have seen, brief responses by the school owner or manager to standard questions, with a few brochures appended, contrast markedly with the substantial self-studies conducted for the regionals.)

Defenders of accrediting agencies dispute such contentions. They declare that unaccredited schools do not apply because they are afraid they may get turned down, being unable or unwilling to meet accrediting standards. This is undeniably true of many, as it is undeniably not true of all. Accrediting agencies cannot (and do not) condemn all unaccredited schools without turning their backs on those they would like to recruit. The agencies cannot (and do not) assert that all accredited schools are faultless, without impeaching their efforts to maintain and improve standards, which can lead (though perhaps too infrequently) to their expulsion of some schools, or placing them on probation.

The Shaky Standards of Some Accredited Schools

The shaky quality and probity of numbers of accredited schools are affirmed by much evidence. Some examples have been related in the first chapter. "...even private vocational schools of the greatest seeming respectability," states a good source we may not identify more fully, "have usually been found, when investigated by the Federal Trade Commission, to be engaged in serious misconduct." Education department, veterans approving agency, and consumer protection staff in states like New York, Illinois, Texas, and California have found that their principal problems arise at accredited schools, if only because these are the largest and best known. "...individuals familiar with the industry are in agreement that it is in the accredited segment...where the greatest aggregate public harm is done; for while the individual abuses of accredited schools may be less flagrant, the cumulative effect of their offenses is worse because of their larger student enrollments and greater average longevity, made possible in good measure by the appearance of respectability and the government subsidies they acquire precisely by reason of their accreditation." After an intensive study of the deception and exploitation of students by Texas proprietary schools, Mark Berry reached the same conclusion:

> It may be concluded...from examining the ACBS schools in Texas, that the accredited schools not only do as much damage as the unaccredited, but also far more continuing damage. The "fly-by-night" operator is limited in what he can achieve because he is seldom in business for an extended period of time and receives no indirect government subsidies. Strict licensing procedures...would all but eliminate this problem.... The problem of accredited schools is more complex.... The student in the accredited school may not receive the training for which he paid, and he may not find employment, but this does not result in a public outcry.... Government agencies and the public at large have put a great deal of faith in accreditation as a form, but have shown little interest in investigating its substance....[37]

An observer described conditions at one school accredited by NATTS as follows: The courses are too short to educate anyone, the student: faculty ratio is "enormous," the turnover of faculty is high and the faculty are inadequate -- "usually there is something in their past which keeps them from getting a good job." The school maintains a big sales campaign to attract new students. "Attendance is hardly kept -- the kids come and go when they choose. It couldn't be worse if they were not accredited." The school does have good equipment

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-- "because it looks good." Similar horrendous accounts could be provided of other accredited schools: sometimes fully accredited, sometimes on probation: but probationary status is not disclosed to the public, nor does it affect a school's eligibility for federal programs.

Representatives of rival accrediting agencies constantly impugn each other's schools, standards, and integrity. If one is looking for evidence of the poor quality of proprietary schools accredited by the Accrediting Bureau of Medical Laboratory Schools, one need only listen to associates of some agencies accrediting in collaboration with the AMA; and vice versa. The comments are so bitter, the testimony given to public bodies so adverse, the stories and statements given to the press so denigrating, that, in at least one case, a libel suit for malicious damage resulted. The suit was settled by mutual stipulation that the disagreement involved different standards of the rival accrediting bodies: as indeed it did and does.

In recognizing an agency, of course, the Commissioner of Education is supposed to make no judgment about its actual educational standards, but only about its adherence to certain operational criteria. Thus, recognition of one of two rival agencies says nothing about the relative quality of their schools. The commissioner has received applications from two agencies accrediting schools of chiropractic and may some day recognize one. Nor does recognition indicate that an accredited school is better than an unaccredited one. For reasons of their own, the Rockefeller University is unaccredited by the Middle States Commission and the Julliard School, by the National Association of

Schools of Music. But no one would contend that, because they are unaccredited, they are of poor quality.

In the correspondence school field, OE has itself exhibited a markedly ambiguous attitude to the distinctive merit of accreditation; and the more one thinks about it, the more does this ambiguousness appear to call into question the significance of both the recognition and the accreditation functions (at least in this instance) as a public affirmation of education standards.

On the one hand, correspondence courses have all the virtues of economy and accessibility to students of all ages, locations, and conditions--soldiers and prisoners, the house-bound and aged. They offer such great advantages that they have been espoused by many leading educators--while others have heaped scorn upon them and they enjoy at best a marginal status at most universities. William Rainey Harper, first president of the University of Chicago, did much to enhance their acceptance. A magnetic lecturer, Harper was discontented with the size of his audience at Baptist Seminary, Illinois. The correspondence courses he developed to overcome the problem, he took with him, with much success, when he moved, successively, to Chatauqua, Yale, and Chicago. Abraham Flexner termed them "business, not education.... Now, correspondence courses may have their uses; and in a country where postage is cheap and superficiality rampant, they are likely to spring up; but that the prestige of the University of Chicago should be used to bamboozle well-meaning but untrained persons with the notion that they can thus receive a high school or a college education is scandalous."[38] It is the questionable status of correspondence education that has led the accrediting commission of the National Home Study Council to recruit as members some of the best known educators of any accrediting body, including former Commissioner of Education Lawrence Derthick, Harvard education professor Herold C. Hunt, and Alvin Eurich, chairman of the Academy for Educational Development?

OE staff are well aware of the high dropout rates of accredited correspondence schools--they were over 50 percent in 17 of twenty fields examined in one government study, over 75 percent in eleven fields, and over 90 percent in five.[39] They are aware of the malpractices of many schools and of the cease and desist orders which the Federal Trade Commission has issued against major accredited schools. The Commissioner's recognition of NHSC has been explicitly limited to non-degree courses--a restriction which NHSC was inclined to appeal but then accepted, at least for a while.[40] The OE directory of Accredited Postsecondary Institutions and Programs (1971) contains the warning that "In the United States no reputable institution of higher education confers degrees solely on the basis of correspondence study." Why, if accredited correspondence schools are so good and HEW is trying, in so many ways, to encourage more economical forms of education and to break the barricade which residential requirements for academic credentials erect against individual advancement, should such a warning be necessary? One reason was noted by Graham Greene in his story When Greek Meets Greek: one cannot even be sure, in correspondence courses, just who is completing the lessons and examinations.

After Jessica Mitford's devastating exposé of the accredited Famous Writers School, recounted in an appendix, OE saw fit to include in the aforesaid directory a list of the unaccredited correspondence departments of higher educational institutions which were members of the National University Extension Association: an action which some might interpret as an implicit rebuke to NHSC. Questioned about this, an OE official said that "a decision was made that it would be appropriate to inform the public that there is another list of correspondence schools as well as NHSC schools." NUEA is a professional organization with "agreed-upon standards and criteria": but it is not an accrediting agency.[41]

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The directory stated that "Every member NUEA institution is accredited by the regional association in whose jurisdiction the institution is located."[42] That entirely true statement may deceive the reader into thinking, what the regionals themselves explicitly disclaim, that institutional accreditation vouches for the minimum quality of any particular institutional program. Ossian Mackenzie states, "There is some question as to whether correspondence departments receive the attention they deserve from [regional] visiting teams...."[43] That puts it mildly. There is some question if correspondence departments receive any attention from visiting teams; and if the attention given to any one of a hundred university programs and departments during a visit once every ten years can possibly serve (or is intended to serve) to assess its quality.

In an interview, an NHSC representative expressed the opinion that university correspondence courses "would not, on average, be as good in quality or format as our programs, because they are second-class citizens on their campus." The latter point, at least, is incontestable. The publicity given by OE to the NUEA list is an interesting reversion to its earlier practice of publishing the lists of educational associations. Now, as then, the practice indicates that accredited institutions and programs are not the only worthy institutions and programs, and, contrariwise, that some accredited institutions and programs may not be worthy at all.

"Please do not infer...that non-accredited institutions are or need be ethically questionable and educationally unsound. To the contrary, there are many fine non-accredited institutions," the United Business Schools Association stated in a brief submitted to the Federal Trade Commission.[44] We agree, as did the agencies accrediting proprietary schools, which, in replying to our survey, stated that there were many reputable but unaccredited schools in their fields.

Notes

1. Kenneth B. Hoyt, Testimony...Before the Federal Trade Commission..., December 1, 1970, p. 12.

1a. See William K. Selden and William G. Land, "The Forgotten Colleges," The North Central Association Quarterly, April 1961, pp. 271-3.

2. See Alfred T. Hill, "What Is a Nonaccredited College?" The Educational Record, October 1957, pp. 348-57.

3. Selden and Land, op. cit., with some interpolations of our own.

3a. See Mary G. Wiley and Mayer N. Zald, "The Growth and Transformation of Educational Accrediting Agencies," Sociology of Education, Winter 1968, p. 51.

4. All quotes in the paragraph are from Commission on Higher Education, Policies and Procedures Handbook, Middle States Association of Colleges and Secondary Schools, New York, June 1971, pp. 16, 25.

5. New Academic Institutions: A Survey, American Council on Education, Washington, D.C., 1972, p. 62.

6. Policies and Procedures Handbook, op. cit., p. 12.

7. Norman Burns, "Proceedings of the Commission on Institutions of Higher Education," The North Central Association Quarterly, Summer 1971, p. 16.

8. "One of the most significant modifications in the North Central Association's approach to accrediting is....the change in the definition of educational quality.... At an earlier day [when] educational opportunities...were largely limited to...[an] elite.... [quality meant] high-level academic achievement.

"Today [when] .... Educational opportunities are being extended to ever larger numbers of young people....institutional quality cannot be thought of as an absolute.... It is just as appropriate for the Association to accredit an institution enrolling an unselected student body...[as one with] a highly select student body. All these are quality institutions, but they are not alike...." (Norman Burns, "Accrediting and Educational Diversity," The North Central Association Quarterly, April 1961, pp. 257-8).

9. Evelyn R. Kay, Directory of Postsecondary Schools with Occupational Programs, 1971, Public and Private, U. S. Office of Education, 1973. This directory lists 8,182 schools, Our data are based on runs of the complete tape of 11,731 schools, 3,549 of which were omitted from the published directory.

10. See Jerry W. Miller, "An Approach to Accreditation of Allied Health Education," in Staff Working Papers, Accreditation of Health Educational Programs, Study of Accreditation of Selected Health Educational Programs, National Commission on Accrediting, 1972, Part II, p. H-10.

11. Ibid., p. H 4.

12. See "All is not dark on the education front," Activity, March 1973, p. 5.

13. Robert C. Andringa, "Who Communicates What About Higher Education to Congress; Views of 'A Hill Source'," address to National Conference on Higher Education, Chicago, March 12, 1973.

14. Seymour E. Harris, A Statistical Portrait of Higher Education, McGraw-Hill, New York, 1972.

15. "Foreword," Toward a Learning Society, Alternative Channels to Life, Work, and Service, A Report by The Carnegie Commission on Higher Education, October 1973, p. viii.

16. National Commission on the Financing of Postsecondary Education, Definition of Postsecondary Education, "Working Definition

of and Preliminary Objectives for Financing Postsecondary Education," June 19, 1973 and "Definition of Postsecondary Education," April 13, 1973, offset.

17. Draft definition, Accreditation and Institutional Eligibility Staff, U. S. Office of Education, January 1973.

18. Toward a Learning Society, op. cit., pp. 35, 38-9.

19. Charles F. Ward, The State of Accreditation and Evaluation of Postsecondary Occupational Education in the United States, Center for Occupational Education, North Carolina State University at Raleigh, 1970, p. 203.

20. The 479 schools reporting indicated an enrollment of 108,752 full-time and 29,525 part-time students on October 1, 1972. Our full-time equivalent estimate is based on the generous assumption that part-time students were, on average, enrolled half-time (see "AICS Student and Faculty Surveys," The Compass, September 1973, p. 14.)

21. Ulrich H. E. Croner, compiler, American Trade Schools Directory 1972-1973, Croner Publications, Inc., Queens Village, N. Y.

22. "This list includes the name, address, telephone number, and 'contact' person of each of these schools in operation as of May 1972" (Report of a Survey of Private Vocational Training Schools 1972, prepared by The Public Relations and Regional Planning Committee, Erwin S. Skadron, chairman, California Advisory Council on Vocational Education, Sacramento, 1972, p. 2, offset).

23. Annual Report July 1, 1970-June 30, 1971, Bureau of Occupational School Supervision, The State Education Department, Albany, 1971, p. 12.

24. Jean M. Wolman et. al., A Comparative Study of Proprietary and Non-Proprietary Vocational Training Programs, American Institutes for Research, Palo Alto, Calif., November 1972, Vol. I, p. 34.

25. Elouise L. Johnson, A Descriptive Survey of Teachers of Private Trade and Technical Schools Associated with the National Association of Trade and Technical Schools, A dissertation submitted to the Faculty of the School of Education of the George Washington University for the degree of Doctor of Education, February 22, 1967, pp. 73, 88, 63, and 79. The data are based upon a 1966 survey.

26. Ronald S. Pugsley, "Statement before the State of Wisconsin Educational Approval Board," U. S. Office of Education, September 13, 1972 (offset).

27. A. Harvey Belitsky, Private Vocational Schools and Their Students, Schenkman Publishing Co., Cambridge, Mass., 1969, p. 9.

28. "The Knowledge Hucksters," The Texas Observer, April 23, 1971, p. 7.

29. October 12, 1972 letter.

30. Belitsky, p. 56.

31. January 1973 telephone conversation with Virginia Smith.

32. September 25, 1972 letter from Frank M. Mikus, General Accounting Office. The full study was reported in Most Veterans Not Completing Correspondence Courses--More Guidance Needed from the Veterans Administration, Report to the Congress by the Comptroller General of the United States, U. S. General Accounting Office, March 22, 1972.

33. Wolman et. al., op. cit., pp. 87, 96, 118.

34. Quoted by Michael Malloy in "New Schools Rise to Ride the Computer Boom," The National Observer, Dec. 30, 1968.

35. "Some correspondence schools are plain gyps," in 99 New Ideas on Your Money, Job & Living, Kiplinger Washington Editors, Washington, D.C., 1971, p. 44.

36. May 13, 1974 letter from William A. Fowler, executive secretary, National Home Study Council Accrediting Commission.

37. Mark Berry, "The Proprietary Vocational School," Texas Law Review, 1970, Vol. 49, pp. 114-15.

38. Abraham Flexner, Universities: American, German, English, Oxford University Press, New York, 1930, pp. 144, 147, quoted in Ossian Mackenzie et. al., Correspondence Instruction in the United States, American Council on Education - National Commission on Accrediting, Washington, D.C., February 28, 1967 (mimeo.), Chapter 2, p. 7.

39. See p. 9 of the GAO study cited in footnote 32.

40. On March 21, 1972, Commissioner Marland advised David Lockmiller, NHSC accrediting commission secretary, that renewal of recognition was granted for non-degree programs. Commission chairman Herold Hunt responded by letter of March 31 that "We certainly do want to take an appeal." After considerable jockeying for position, a panel of three educators chaired by Allan Pfnister of the University of Denver was appointed by OE and a hearing of the appeal set for January 24, 1973; whereupon NHSC dropped the matter and the hearing was cancelled.

41. Ossian Mackenzie, "Status and Trends of Correspondence Instruction in the United States," in Mackenzie and Christensen, eds., The Changing World of Correspondence Study, Pennsylvania State University Press, 1971, pp. 363.

42. Accredited Postsecondary Institutions and Programs, Office of Education, 1971, p. 135.

43. Mackenzie, ibid.

44. Richard A. Fulton, Brief on Behalf of the United Business Schools Association, submitted to the Federal Trade Commission In the Matter of Proposed Guides for Private Vocational and Home Study Schools, Nov. 10, 1970, p. 8.

PRIVATE ACCREDITATION AND PUBLIC ELIGIBILITY

Volume II

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G. On Regional Accreditation and Institutional Probity

Summary

In the last chapter, we concluded that regional accreditation no longer served as a useful mark of institutional quality. In the present chapter, evidence is presented to suggest that, regrettably, it is also not a reliable mark of institutional probity. Recent cases of fraud by the officers of universities and colleges are recounted. These may not reflect on an institution's integrity, but the professionalization of athletics and misrepresentation and commercialization in advertising and recruiting does. Such practices are manifest, and apparently becoming more common, at many regionally accredited institutions.

Institutional accreditation is commonly thought to attest above all to two things: the minimal quality and probity of an institution. That widespread belief is not necessarily or fully shared by the accrediting agencies. It is unlikely that the agencies agree fully to any precise statement of what accreditation attests, and the more precise (i.e., objectively testable) the statement, the less likely are they fully to agree. The official formulation, that regional accreditation attests to an institution's effectiveness in achieving its objectives is, to put it charitably, vague; and the objectives themselves are not disclosed by the regionals. As nothing but the judgment of accreditation is disclosed, that judgment is invulnerable and the public must make of it what it can. The public, we suggest, takes "accreditation" to signify an institution's good repute. That means, good both in its education and in its word: its administrative honesty or integrity.

The idea that institutional accreditation represents a reliable minimal mark of institutional quality was examined in the preceding chapter and found wanting. In this chapter, we shall present evidence casting doubt on the idea that it affirms the integrity of an institution.

It would be easy to present such evidence in the proprietary school field, so easy that, considering the small resultant contribution to knowledge, we have decided against it. Journalists, congressmen, state and federal officials are fully aware of the shameful malpractices by which many accredited and unaccredited proprietary schools have exploited students and taxpayers; they are cited at a number of points (particularly in the chapters on the postsecondary universe and the insured student loan program). We have several fat files documenting this exploitation by means of false and misleading advertising, recruiting, and the nonpreparation of unqualified students for nonexistent jobs. These practices can in no way be condoned. They are a pernicious kind of educational counterfeiting, which the agencies accrediting proprietary schools --as well as governmental agencies and, no doubt, the general standards of public morality--have failed to control.

We shall report, instead, signs of fraud and malpractice at colleges and universities, most of them regionally accredited. Abuses in college recruiting have received growing attention; they could turn the academic community into a mart where sheepskin is merchandized to sheep. Millard Roberts was its prophet.

Abuses in business and administrative practices, including criminal fraud, have been comparatively ignored. Isolated abuses must have always been present but how many abuses must occur before they are no longer isolated and represent, instead, a genuine malaise? How many must occur before they call into question the value of regional accreditation as a mark of an institution's probity?

Since charges of this kind should not be made idly or carelessly, we shall present the evidence largely in the form of direct quotations from the sources, mainly newspapers and educational journals.

Business Malpractice and Fraud

Among recent accounts of evident administrative malpractice at colleges and universities, including indictments or convictions for fraud, were the following:

In December 1972, Federal City College "agreed to restore $461,000 to the Agriculture Department land-grant account at the college, agreeing that part of the money was charged to the account when FCC should have footed the bill....a federal grand jury investigating whether there was any fraud involved...is continuing...." Joseph C. Paige, the college's dean of education, subsequently "pleaded guilty in U.S. District Court... to charges of conspiracy, fraud and passing a forged check in connection with the handling of a $230,000 federal grant...." He was sentenced to seven years in prison. Federal City officials have also acknowledged using over $14,000 in HEW funds for improper grants and low-interest loans to twenty student-inmates of Lorton reformatory. Some $500 in Justice Department grant funds were also evidently used by four college employees for an unauthorized trip to the Virgin Islands.[1] Federal City College has been a recognized candidate, since fully accredited by the Middle States Association.

"The General Accounting Office has charged that the Washington Technical Institute underspent on teaching staff by more than $500,000 and overspent $366,000 on administration and housekeeping in the year that ended June 30, 1971, in violation of its own budget and congressional orders....GAO...also charged the...school with sloppy accounting and bookkeeping practices and lack of controls over equipment and supplies."[2]

"Public funds deposited illegally by D.C. Teachers College in commercial banks have been used improperly to make interest-free loans to faculty and staff members, the U.S. General Accounting Office has found. [The GAO]...also found that the college has permitted its employees to make purchases with college checks in order to obtain discounts and illegal tax advantages."[3]

Both the Washington Technical Institute and D.C. Teachers College were accredited by Middle States.

Five University of Montana officials, including vice president George Mitchell and athletic director Harold Swarthout, were indicted in 1972 by the U.S. District Court in Billings, charged with "having illegally used federal allocations to aid student athletes. The defendants allegedly converted an estimated $200,000 of HEW student...aid funds for use by the university's athletic department. According to the indictment, the officials filled out work records and job description forms for students who were not employed and fraudulently negotiated numerous checks from aid funds made available to the university."[4] At the time, the university was accredited by the Northwest Association and some eleven professional accrediting agencies.

In July 1973, Gene W. Harrell, former vice president of Eastern

New Mexico University, accredited by North Central, "was sentenced to two concurrent two-to-ten year prison terms for embezzling some $133,000 in university funds between 1961 and 1972."[5]

"Federal funds of $1.2 million have not been matched with state and college funds at State Community College in East St. Louis, Illinois, as required by law, according to a [1972] U.S. audit. The audit recommended that the college return $950,532 granted to its work-study program and $323,329 allocated for loans under the National Defense Student Loan Program."[6] The college was a candidate for accreditation with the North Central Association.

President Charles G. Hurst, Jr. of Chicago's Malcolm X College resigned in February 1973 in a heated controversy involving political disagreements with Mayor Richard Daley and "two audits...critical of the college's finances." The extent of mismanagement was disputed. According to an educational reporter, Hurst conceded "sloppiness on the part of inexperienced clerks...theft (which he attributes to people planted in key college positions to...discredit him)....and that it was extremely difficult to maintain financial control because of 'a rip-off mentality in the community.'"[7] The college was accredited by North Central.

Donald Ackerman, former coordinator of research contracts at the Stony Brook campus of the State University of New York (accredited by Middle States), was indicted, in May 1972, "on 59 charges of forgery and grand larceny in connection with thefts of research funds from the university....District Attorney George J. Aspland...said that, in all,... Ackerman, stole 'at least $40,000 that we know of,'....

"...one official in the District Attorney's office said that as a result of the investigations, State University officials had revised the entire bookkeeping method at the Stony Brook campus to eliminate any possibility that a similar bilking could occur again."

"Officials close to Mr. Aspland added that the Ackerman case was only a small part of the problem at the university regarding funds. 'It's still a real mess over there,' one official said."[8]

"A state audit...disallowed $255,832 in payments made by the City University [of New York] from a special $2-million discretionary fund.... the audit also cited other payments that, while allowed, might be considered 'contrary to the spirit and purpose for which the fund was established.' Among these were $572.40 paid to Dr. Robert E. Marshak, president of City College, for a washer-dryer for his Madison Avenue apartment; $1,278 paid to carpet the apartment of Donald H. Riddle, president of John Jay College; $1,975 for dues and initiation fees for university officials at places like the Lotus Club...and $8.15 paid in overtime to a chauffeur for driving the daughter of former City University Chancellor Albert H. Bowker....The audit said that only 14 per cent...of the $2 million disbursements 'appear to be for the benefit of the students.' The rest went primarily for programs and perquisites for faculty members and administrators.... Dr. Seymour C. Hyman, deputy chancellor of the City University, defended such expenses....Of the $255,832 disallowed in the audit, the City University has returned $53,357 to the state."[9] The City University central office was not accredited--the central administrative office of a multi-campus system is not yet subject to accreditation--but City College and John Jay College were fully accredited by Middle States as well as the New York Regents.

"Associate Dean George M. Halpern of the New York City Community College and Prof. James P. DeLuca, chairman of the school's graphic arts department, were accused by the New York City Board of Ethics...of a 'conflict of interest' in operating a publishing company whose books were required reading for all graphic-arts students at the college.

"The company, Non-Pareil Associates, Inc.,...has published seven books, six of them written by Dean Halpern and Professor DeLuca. The Board of Ethics said all seven were required reading....[In a written opinion, the board said] 'we are of the view that the exclusive designation of their specific texts for courses within their province is not objective ....We view the actions...as self-dealing and in conflict with the proper discharge of their official duties.'"[10] The college was accredited by Middle States.

Following several questionable arrangements in which regionally accredited institutions sold the use of their name to for-profit companies, the Federation of Regional Accrediting Commissions of Higher Education issued a warning against such practices. Federation director Robert Kirkwood

> ...cited the case of a small, church-related college that had signed an agreement with a chain of language schools under which the college gave its students credit for courses they took at the schools.
>
> "The chain immediately began advertising in various sections of the country that the language schools were accredited," Mr. Kirkwood related. "Well, this was not the case."
>
> In another instance, he said, an accredited institution in effect sold the use of its name to a profit-making group of clinics in athletic coaching.
>
> Mr. Kirwood said he knew of only two or three other cases like those two, but that the problem was potentially great enough to prompt a policy statement....the federation pointed in particular to institutions "experiencing declining enrollments and shrinking financial resources" as the ones whose contractual arrangements were leading to attempted exploitation by profit-making organizations.[11]

Federal and state audits have disclosed much financial mismanagement by accredited colleges and universities, particularly of student-aid funds.

"...Washington State Auditor Robert V. Graham criticized the spending of a federal planning grant awarded to five community colleges in Washington and one in California. The audit found part of the $55,000 grant had been spent on unauthorized travel, [and] on entertainment expenses at two conferences at which 'no evident public purpose was served,'...."

Federal auditors "estimated that 71 per cent of...students [at Merritt College, Oakland, California] receiving federal aid over the last four years 'did not meet federal requirements.'...Merritt's president, Norvel L. Smith, has acknowledged that the college 'needs to strengthen its procedures'....He disputed auditors' claims that the college should repay the government more than $286,000 allegedly misspent...[but] offered to repay approximately $20,000....

"Auditors for the California State University and Colleges system have charged that Sonoma State College misspent nearly $100,000 in student-aid funds. The auditors said that, of 64 student-aid files examined, 'not a single form...itemized all elements of income and expenses which are used to determine student financial need.'"

Many institutions--including Michigan State University, Mississippi State University, the University of Nebraska, and Kansas State College at Pittsburg--have reportedly broken government rules against continuing to employ students who have earned their quota of federal work-study assistance funds.[12]

All of the institutions named in the preceding three paragraphs were regionally accredited.

"Fourteen of the most aggressive and most successful college investment funds have been caught in the middle of an insurance scandal involving the Equity Funding Corp.

"A Wall Street glamor stock..., Equity Funding has fallen from that position amidst charges that it invented fictitious policy holders and then sold the bogus policies to companies in the reinsurance business....the company has been ordered by a court to file for bankruptcy, and the Securities and Exchange Commission has charged Equity with fraud.

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"The colleges...have failed to receive payment on $8-million worth of Equity Funding stock that they sold just one day before trading in the scandal-ridden insurance company was suspended by the New York Stock Exchange. The colleges are among the defendants in a suit brought by the buyer of that stock [Salomon Brothers], charging that the sale was made on the basis of 'inside' information and hence was illegal and invalid.

"The defendants, including Princeton University and Amherst, Colby, Pomona, Swarthmore, and Williams Colleges [all regionally accredited], are all clients of John W. Bristol, a financial adviser specializing in non-profit accounts, particularly colleges."[13]

"Utah State University's potential losses from an allegedly illegal investment program could total more than $2-million, according to a special report by the state auditor. The state attorney general's office is considering a lawsuit against Merrill Lynch, Pierce, Fenner & Smith, Inc., which prepared an investment portfolio for the university, allowing university investment officer Donald A. Catron to purchase stocks on margin. Mr. Catron was fired earlier this year, after it was determined that he disobeyed orders and falsified reports in order to purchase the stocks."[14]

Athletics Scandals

Big-time football has been a traditional source of mischief and chicanery which has brought repeated grief to those who would uphold the higher values of higher education.

A 1929 report of the Carnegie Foundation for the Advancement of Teaching concluded that "The football contest....is a highly organized commercial enterprise. The athletes...are commanded by professional coaches....The great matches are highly profitable enterprises....A system of recruiting and subsidizing has grown up, under which boys are offered pecuniary and other inducements to enter a particular college. The system is demoralizing and corrupt....to pay money to high school boys ...in order to enlist their services for a college team...is immoral to the last degree...."[15]

A cynical, or perhaps merely realistic, observer may note that accrediting associations, being normal human insitutions conducted by normal human beings, may be more successful at imposing their standards on weak than on strong colleges. All accredited institutions may be equal but, as George Orwell would say, some are more equal than others. That, in any event, was the outcome of an effort by the North Central Association to control athletic abuses.

"The problem," the association's historian Louis Geiger writes, "was simple enough and well understood: the undercover professionalization and overemphasis of competitive sports rationalized in pious rhetoric about character building and Americanism." A 1932 NCA conference proposed standards for intercollegiate athletics, but not until 1941 were they incorporated in its accrediting manual. Nonetheless, scandals continued, apparently unabated, and a special committee was appointed in 1951 to investigate the problem. Its report, condemning "lax admission standards for athletes, unscrupulous recruiting, and athletic scholarships," led to a new code adopted unanimously by the association in 1952. The intention was to deemphasize athletics, as had been done at Chicago, Hopkins, Harvard, and a number of other institutions.

> The National Collegiate Athletic Association promptly retaliated by announcing that athletics was outside the jurisdiction of the NCA or any other regional association....When two [major NCA universities]...were threatened with disaccreditation...[in] 1953, the opposition came to a head.... representatives of twenty-seven institutions, nine of which had representatives on the Commission on Colleges and Universities...met in Chicago and discussed the situation with the Commission's executive secretary, Norman Burns. They then approved and released to the press a statement demanding that the NCA drop its prohibition of athletic scholarships....
>
> In the end the big institutions had their way....One more committee...was appointed....The athletic policy it worked out for the Association was the expected surrender....

Complaints from members of the North Central Commission on Secondary Schools "who had had more than enough of university recruiters badgering their athletes and working directly with coaches and local boosters behind the backs of faculties and administrations," had been important in getting the Commission on Colleges to look into the problem. But, Geiger concludes, "university administrators were not interested; their failure to consider how their policies affected anyone but themselves did little to improve the relationship between the two branches of education represented by the Association."[16]

The fruits of that disinterest continue to ripen. A series of articles in the fall 1973 Chronicle of Higher Education suggested that college sports were yet again in an "unprecendented" ethical crisis:

> A miasma of scandal is engulfing intercollegiate athletics....football coaches...fear that college sports have been blighted by widespread professionalism and malignant abuses in recruiting.
>
> ...widespread infractions of the rules against professionalism have created an unprecedented economic and ethical crisis....an upward cost spiral...finds survival directly linked to winning--and...winning is possible only by affronting the spirit and often the letter of the rules of amateurism....Autos, apartments, credit cards, and sinecure campus jobs are common currency among recruiters. So are under-the-table cash payments....
>
> In some of the notorious "outlaw" schools, violations of the rules of academic eligibility have become institutionalized. Doctored transcripts, altered grades, exams taken by stand-ins are some of the routine abuses that have been documented in the last year....Snap courses and complaisant professors share with the brain coach the dubious credit for maintaining the academic eligibility of some singularly ungifted students throughout their playing years....The role of the academic leadership of suspect institutions is not a glorious one....[17]

The Universities of Oklahoma and Colorado have both been disciplined by the football conference board for tampering with the grades of athletes. Both were accredited by Middle States.

Abuses in Advertising and Recruiting

Fraud and financial mismanagement are regrettable. So is the conversion of amateur athletics into a business to make a profit for supposedly nonprofit institutions. It is particularly troublesome when the facade of good form is breached in a scandal: money should not change hands in public.

But accrediting agencies are not churches or confessionals, responsible for the morality of all administrators, professors, and auxiliary staff. If the chief groundkeeper or the vice president for research is caught with his hand in the till, is the institution's accreditation to be withdrawn? Considering national crime rates, no college would long remain certain of its accreditation. Insofar as crime is a national problem from which no institution--commercial, governmental, or educational--is immune, no one can be held solely responsible--though all, surely, bear some responsibility--for maintaining the standards of public morality. Just what share should be borne by accrediting agencies is a subject of lively debate.

The offenses of individuals are one thing; an entrenched institutional pattern of offenses is another. If accrediting agencies do little to assess these, their work is futile and misleading insofar as vouching for institutional probity is concerned.

If the proprietor of a for-profit school is also its director, the probity of the school is necessarily identified with that of the man. To that extent, the agencies which accredit proprietary schools labor under the painful necessity of simultaneously assessing the character of a man and of his educational and managerial standards. Agencies which accredit nonprofit or public institutions are spared that burden, since authority is normally divided between the president and a board of private trustees or a comparable state body, not to mention deans, faculty, alumni, legislators, the office of the governor and his budget director, and so forth. Though judgment of the president's character may be critical to the assessment of an institution's probity (as was evidently the case at Parsons College), it can be muted. The existence of independent powers, such as the board, enables the accrediting agency and the institution to rectify personal abuses without endangering the reputation of the institution as a whole. Public institutions and well endowed private institutions may be inefficient and wasteful, but they can make good any fraud by their officers. That may be unfair to taxpayers and benefactors, but it provides an assurance to students that their educational contracts will be fulfilled which cannot be given by private schools that can go bankrupt.

Accordingly, individual malpractice has been less of an institutional problem in higher education than in proprietary education, though it may well become a significant problem in financially weak private colleges.

Institutional fraud, malpractice, or deception is another matter. One or more are plainly involved when heavily-capitalized, money-making programs are passed off as amateur sports. But sports, it may be said, are an aberration, an eccentricity, or a sideshow like fraternities, pot-smoking, political crusades, nuclear research laboratories, and a hundred other activities which, on a strict construction, have no rightful place on campus. All are adjuncts to education and an educational institution should be judged fundamentally by its core, not peripheral, functions.

Unfortunately, many signs point to a deterioration in the probity and quality of the core educational function at many institutions. How serious the deterioration has been and how many institutions have been involved can be determined only by a major inquiry. But the signs are disturbing, because they arise from market conditions known to all, which are likely to persist for years: high costs, income that has fallen below expectations, and a consequent increase in competition for enrollments. That competition has taken two forms: abuses in advertising, recruiting, and nonselective admissions of a kind which some have associated solely with proprietary schools; and a watering of educational standards under the guise, or with the explicit intent, of furthering such noble goals as breaking the education "lockstep," promoting educational "innovation," or offering educational opportunities to the poor, to housewives, working adults, professional men, military men, prisoners, and every other conceivable variety of potential student. "In Search of Warm Bodies" was how one article summarized the admissions scene "at many underendowed private institutions"--but they are not the only institutions on the scene.[18]

"Admissions is Not Marketing!" one speaker warned a recent meeting of collegiate admissions officers:

> There are "sales" oriented seminars, conferences, tests, questionnaires, training, and other head-hunting gimmicks emerging in the admissions field....Students are being described and treated by some in the following manner:
> (1) What are the costs for each inquiry, application, effort, lead, deposit and enrolled student? What is the conversion ratio?
> (2) What are markets, yields, sales returns and quotas?
> (3) Direct mail lists are secured in devious and questionable ways and then sold and resold to many institutions....
>
> ....The competition for students will become more severe in the next year and those years following. Public colleges will compete with private colleges: private colleges will compete with one another; community colleges will make it more difficult for all sectors; and...proprietary schools will develop new incentives...leading to even greater competition.[19]

Proprietary school spokesmen are good sources of information for abuses in advertising and recruiting by higher educational institutions, for they are keenly sensitive to the double standard of condoning at these institutions practices prohibited for their schools by state law, Federal Trade Commission regulations, and accrediting agency rules. The Carnegie Commission on Higher Education observes that many state statutes impose upon proprietary schools standards of fiscal responsibility and honesty in advertising and soliciting that "may well be more stringent than anything required of colleges and universities."[20]

Representatives of proprietary school agencies have periodically brought offensive ads to the attention of state and FTC officials. (They seem decidedly more diligent about this activity than representatives of the regional associations who do not presume to "police" their members.) They have also sought to broaden the statutory authority of the FTC to nonprofit institutions, so that all educational competitors would operate under the same guidelines for marketing and tuition refund policies.

In April 1974, James Norton, Chancellor of the Ohio Board of Regents, sent to the presidents of all Ohio colleges a copy of the advertising guidelines for educational institutions prepared by William Goddard, executive director of the National Association of Trade and Technical Schools, for the March 1974 Denver conference on consumer protection in postsecondary education. Though the copy was for information purposes only, the action conveyed at least a hint that some states might impose upon degree-granting institutions standards of advertising and recruiting comparable to those which proprietary schools are supposed to observe.

Proprietary school advertising may be considered offensive or improper if it is placed in a "help wanted" section, appears to offer jobs, claims to offer "free" placement service when the costs of the service are covered by tuition, suggests that all graduates may receive high salaries or good jobs, exaggerates the demand for graduates or starting salaries, claims to offer the "best" education at the "lowest" prices, or makes other unsubstantiated or exaggerated claims. The propriety of advertisements by public institutions which cross the line of providing information to engage in active solicitation may also be questioned. Following are examples of advertisements by public and nonprofit institutions of higher education that have broken one or more of these rules:

- - - - - - - - - - -

A Janaury 3, 1973 ad by Temple University in the Philadelphia Inquirer:

> $17,900 TO START
> ...For court reporting
>
> Temple University offers a certification program in the use of the stenotype transcriber and other skills, designed to fit any educational background. Graduates become certified court, medical and conference reporters.

- - - - - - - - - - -

A large ad in a Chicago paper, December 1972 or early January 1973, placed by Northwestern University Evening Divisions:

> The tuition for our Evening Divisons is a modest $33 per semester hour. The lowest of all the private schools in the Chicago area....
>
> . . . . . .
>
> WE DON'T JUST TEACH YOU, WE PLACE YOU
>
> We have a free job placement office for our Evening Divisions students. And you don't have to be graduating to use it--just take one course.

- - - - - - - - - - -

An ad in the Washington Post, August 28, 1973 (p. A 9) by the George Washington University School of Engineering and Applied Science ("Accredited Curricula") in discreet type, featured a smiling young man in moustache, shirtsleaves, and tie beside some equipment:

> More than 30 commercial, industrial, and governmental organizations across the country have offered jobs to Gregory E.

> Federline, who recently received his Bachelor of Science Degree in Electrical Engineering from the School of Engineering and Applied Science....
>
> . Sensibly sized classes . Outstanding faculty . Excellent advisor system . After graduation employment opportunities . Earn and Learn Cooperative Education Programs available....Earn up to $11,000 as a student . Financial assistance available.

- - - - - - - - - - -

An ad by the Albuquerque Technical-Vocational Institute in the Albuquerque Journal, October 22, 1972 (p. G-7):

> APPLY NOW
> FOR YOUR CHOICE of tuition-free programs. Classes begin January 3, 1973. Choose from programs in....

- - - - - - - - - - -

An ad evidently placed in a Melbourne, Florida, magazine in late 1972 (no more exact identification is at hand) inviting respondents to call or write the Director of Admissions, School of Aeronautics, Florida Institute of Technology, P.O. Drawer 1839, Melbourne:

> A COLLEGE DEGREE IN ONE YEAR?
>
> YES! possibly less time if you have other equivalent aviation training. The School ...will grant up to 44 credit hours for previous flight training....
>
> Approved by the FAA--VA--State of Florida
> Approved for Veteran's Training
>
> Be in the competition for pilot employment with a recognized college degree. We will analyze your past credits, protect your graduation date....
>
> Florida Institute of Technology is fully accredited by the Southern Association of Colleges and Schools.

- - - - - - - - - - -

A full page ad, in black and red, in the Chicago Sun-Times, Dec. 5, 1972 (Section two, p. 11), by Kennedy-King College:

ENROLL IN A 'NOW' ORIENTED COLLEGE
Your future may depend on it!

. . . . .

JOIN US Intercollegiate Sports Football, Baseball Basketball
Swimming (olympic size pool)

Courses in both Liberal Arts & Sciences...and Applied Sciences ...Child Development...Air-Conditioning...Nursing...Strong Academic Programs Music English...TUITION FREE!

- - - - - - - - - - -

An advertisement for the summer session of the University of California, Berkeley, appearing in college newspapers, "features a curvaceous coed in a bikini who beckoned to prospective students: 'Enjoy summer this school.'"

- - - - - - - - - - -

McPherson College, Kansas has loudly advertised:

50% FRESHMAN
TUITION
SCHOLARSHIP*

Qualifications . . .

Reside in a county in Kansas, Iowa, Nebraska, Missouri, or Colorado, from which there are presently no students enrolled at McPherson College -- or

Reside in a state from which there are presently no students enrolled at McPherson College -- and
Meet all standard entrance qualifications for McPherson College

*Limit of five scholarships per eligible areas.

For list of eligible areas fill out card and mail today!

- - - - - - - - - -

Deception has extended to the public service advertisements, many of which stated that "Tuition covers only one-third of the cost of attending college; the rest must come from you. Give to the college of your choice." As a member of Douglas Trout Associates has noted, room and board charges characteristically yield another third of the income of private colleges, "so that most schools need to rely on only one-third of income coming from gifts, grants, and endowment income. Thus...'the rest must come from you' ...clearly overstates the dependence of private colleges on annual gift income. The sooner the private colleges get the story straight and begin to tell it straight the better their credibility will be."[21]

Some thirty years ago, "Harry Gideonse, then president of Brooklyn College said...that if the Federal Trade Commission ever started prosecuting colleges for false and misleading advertising, there'd be more college than corporation presidents under cease and desist orders."[22] "If the Federal Trade Commission applied the truth-in-labeling law to higher education, many institutions would be culpable," Thomas E. Corts writes more recently. He notes that recruitment material commonly mentions such features of a college as its attractive location, the college's concern for the student as "a person, not a number," social life and sports, student-teacher ratio, and the number of volumes in the library. "The parallel with breakfast cereals, which touted their vitamin fortifications while not whispering their true nutritional worth, is striking."[23]

Some kinds of information commonly not provided in promotional material and catalogs are:

-- any reprimands, probation, or censure received from accrediting agencies, the American Association of University Professors, or state and federal agencies;

-- noteworthy evidence of the nondistinction of faculty or students;

-- accurate information on current courses and the faculty who will teach them;

-- notable gaps and deficiencies in library holdings and other facilities;

-- impending changes in plant, budgets, curricula, staffing, or academic policies which are likely to affect students;

-- student appraisals of the cafeteria food;

-- clear and comprehensive information on all charges, including books, laboratory and student activity fees;

-- information on tuition refund policy for students who drop out or are dropped;

-- the proportion of applicants accepted and the proportion of students who graduate;

-- likely future increases in tuition;

-- the type of employment, and unemployment rates, of recent graduates, and the likely job market in different fields.

Private colleges hard-pressed for students have increased their promotional and advertising budgets and adopted aggressive techniques and enticements, many modelled on those of proprietary schools and commercial marketing. "...everyone closes their eyes to the recruiting activities ...of regionally accredited private nonprofit colleges," observed Richard Fulton, counsel of the Association of Colleges and Business Schools, in a brief submitted to the Federal Trade Commission:

> These are schools who contract annually for room, board and tuition in amounts of up to $3,800 and with no refunds or very small refunds.
>
> Personal confrontation with students and parents in a highly structured situation is used by roving bands of admissions representatives for these regionally accredited nonprofit schools. In groups of 8-12 they appear in a city.
>
> They rent hotel parlors. Booths are set up in the ballroom. Guidance counselors are entertained in the morning. Students and parents come in from 3 p.m. to 8 p.m. This is affirmative selling. It is not a mere offer of "availability."[24]

Clifford Youse, director of continuing education at Bentley College, Massachusetts, urges his colleagues in the field to "shift our thinking to the way commercial business thinks":

> ...think of the student as a customer and how that customer would like to be treated....At that registration desk, it is possible to make every registering student a salesman for your course, programs and institution....Every time a student walks out, it's not just a student walking out, it's a hundred or so dollars in tuition income plus the cost of recruiting him....
>
> What about your faculty? Are you utilizing them as salesmen?....Are they trying to promote and sell their own courses? If not, why not?....
>
> Another method of encouraging registration is to tentatively register a prospective student should he be undecided....A method of handling this kind of situation is to say, "....Why don't I tentatively register you on the telephone to save a place for you in the class...." Now as soon as you get the tentative registration from him, send him a bill....[25]

Methods employed by colleges or "field representatives" and consultants retained by them to enroll students have included:

Payment by Central Wesleyan College, South Carolina, of $50 to a student for each new student he obtains.

Payment by Marist College, Poughkeepsie, N.Y., of $500, an expense account, the use of a car, and six units of credit to six upper classmen each of whom spends eight weeks on the road in recruiting activities, as part of a regular course listed in the college catalog.[26]

The distribution of a hundred $100, two $1,000 and one $4,000 scholarships to Northern Kentucky State College by helium balloons released in downtown Cincinnati.[27]

The offer, by Christian University, Florida, of free tuition to anyone who provides two additional tuition-paying students.

"Adelphi University [N.Y.] has engaged a computer that mails letters to every student who has contacted them but has not sent in the application."

"Several college presidents even phone all likely freshman candidates."

"Boston University plans to mail copies of its bulletin for the summer term to over 300,000 students in its metropolitan area and in high-income communities elsewhere....Manhattan College spent many thousands of dollars on a four-page color supplement in the Sunday New York Times, and advertising departments at local and national publications report huge increases in the amount of space and dollars involved in marketing institutions of higher education."

The head of one consulting firm told a group of admissions officers that "some colleges have empowered...admissions staff to make 'field judgments' to accept applicants...[and] even to grant up to $1,500 of financial aid on the spot with no further investigation....Remember, a mistake in producing too many prospective students can be quickly adjusted. A mistake in producing too few can be fatal."

"Don Ellis Associates of Boston will work for a retainer of $5,000 per year...which covers the first ten students enrolled. For each student over ten, Ellis bills the college $100. A similar admissions recruiter, representing the member colleges of the Great Lakes College Association, has been in Manhattan for the past eight years."

The Private College Admissions Center, Washington, D.C., will visit area high-schools for college clients for $15 per visit. "American Educational Dimensions, Inc. of California recruits foreign students for American colleges at a commission of 25 percent of total tuition."[28]

"I know of one institution," a college president states, "with thirteen recruiters in the field, which hasn't turned down a student in years and whose only reason for existence is to maintain the jobs of faculty and administrators. We're going to have far more of this in the entire higher education sector."[29]

The authors of an article quoted extensively above, conclude their discussion of dubious and desperate recruiting practices with two questions: "...the question of institutional morality looms ever larger: to what ends ought one to go to stave off starvation by adapting many of Madison Avenue's tricks of the trade? And...have 'selectivity' and 'admissions processes' become just empty mystiques in American higher education?"[30] The fact that such questions arise suggests that regional accreditation affords feeble assurance of an institution's probity. Of the nineteen institutions named in this section on abuses in recruiting and advertising, sixteen were regionally accredited; one (Central Wesleyan College, South Carolina) was a candidate for accreditation; and two (Albuquerque Technical-Vocational Institute, New Mexico; and Christian College, Florida) held no accredited status.

In the midst of the St. John's crisis, in which the meaning of regional accreditation was tested, FRACHE adopted a "Policy Statement on Institutional Integrity":

> By academic tradition and by philosophical principle an institution of higher learning is committed to the pursuit of truth and to its communication to others.
>
> To carry out this essential commitment calls for institutional integrity in the way a college or university manages its affairs--specifies its goals, selects and retains its faculty, admits students, establishes curricula, determines programs of research, fixes its fields of service....
>
> A college or university is an institution of higher learning. Those within it have as a first concern evidence and truth....[31]

The statement was concerned mainly with the protection of intellectual freedom, though the second paragraph alluded to a broader range of issues "...a first concern" of academic institutions, it said, is "truth." Today, however, as in the 1930s, another concern may precede that: survival. Macheath puts it more succinctly, in Die Dreigroschenoper, than FRACHE or the Carnegie Commission: Erst kommt das Fressen, dann kommt die Moral. Professors, too, must eat, pay mortgages, and clothe their families. It is this pressing economic necessity, not any special venality of college administrators and admissions officers, that has fueled recruiting abuses; and since the new depression of higher education is unlikely to lift for a good many years, the abuses are likely to remain with us.

Discussion

This chapter has evoked criticism from a number of readers on the grounds that the sources are "journalistic" and that it is unfair to hold institutions responsible for the offenses of individuals.

The criticism of "journalistic" sources, accompanied by no charge against their accuracy, merits little attention. It is a feeble conception of scholarship to regard the words recorded by a Ph.D. in an interview or questionnaire as more reliable or valid than those recorded by a scholar without a Ph.D., a lawyer, or merely a literate citizen or journalist. They may or may not be more systematic or representative. But the episodes recounted in this chapter, though they could be multiplied,[32] are not presented as representative of any particular population of institutions. They are presented as noteworthy and troublesome in their own right, and as evidence of the inadequacy of regional accreditation to forestall such events. Admittedly, we have undertaken no comprehensive or systematic study of the extent of misrepresentation and malpractice by the officers and staff of accredited colleges (or proprietary schools). There is enough manifest, repeated and consistent evidence of, and enough economic reasons for, the deterioration of educational standards at many colleges and universities to make such a study highly desirable, as well as highly difficult and contentious. The absence of one kind of evidence does not make the presence of another kind insignificant, though the precise significance of the evidence presented here certainly deserves further careful consideration--not dismissal.

The argument that an institution should not be held responsible for the actions of an individual has been discussed in the text. It cannot apply to proprietary schools whose proprietor is the institution. The degree to which it may apply to larger institutions depends upon the nature of the action and the institution. If an officer absconds with a bank's funds, does that reflect on the bank's integrity? Not necessarily, but it certainly calls for, and normally receives, a thorough investigation. If only individuals, not institutions, can be held morally responsible for their conduct, what is the meaning of institutional probity and to what extent can accreditation vouch for it? At what point does the conduct of an individual become institutionalized? Not, presumably, so long as it is confined to actions which are not known or condoned by other responsible members of the institution. On this test, individual cases of fraud or embezzling need not impugn an institution's probity but cases in which sports are professionalized and education is merchandized and misrepresented do, for they involve public conduct sanctioned or condoned by responsible administrators and staff. At the very least, they raise serious and legitimate questions about the integrity of many public and nonprofit institutions and about the adquacy of regional accreditation to vouch for their integrity.

Notes

1. See Martha Hamilton, "Federal City College Restores USDA Funds," Washington Post, December 21, 1972; Eric Wentworth, "Dean Pleads Guilty," Washington Post, August 14, 1973, p. 1; "Former Federal City Dean Sentenced to Seven Years," Chronicle of Higher Education, November 12, 1973, p. 2; and Ronald Kessler, "FCC Gave Prisoners $900 Each in Grants," Washington Post, Feb. 10, 1973, pp. B 1-2.

2. Eugene L. Meyer, "Institute Funds Said Misspent," Washington Post, October 29, 1972, p. D 1.

3. Stephen Green, "Audit Reports Misuse of Funds By Teachers College Officials," Washington Post, May 19, 1972, p. 1.

4. "Univ. of Montana Officials Indicted," The Compass, September 1972, p. 1.

5. "Former University Vice-President Sentenced for Embezzlement," Chronicle of Higher Education, July 16, 1973.

6. "Fraud Charged at State College," The Compass, February 1973, p. 8.

7. Larry Van Dyne, "Resignation of Outspoken President of Malcolm X College Tied to Critical Audits and His Role in Illinois Politics," Chronicle of Higher Education, Feb. 23, 1973.

8. "Ex-Stony Brook State U. Aide Indicted in Research-Fund Theft," New York Times, May 19, 1972.

9. Paul L. Montgomery, "State Finds a 'Misuse' of City U. Funds," New York Times, Oct. 13, 1972.

10. Max H. Siegel, "2 Community College Officials Accused Of Illegal Link to a Publishing Concern," New York Times, January 16, 1973, p. 43.

11. Robert L. Jacobson, "Accreditors Set 'Quality' Criteria For Offbeat Study," Chronicle of Higher Education, May 7, 1973, pp. 1, 8.

12. See Cheryl M. Fields, "Colleges Misuse Federal Funds, Auditors Find," Chronicle of Higher Education, Feb. 26, 1973, pp. 1-2.

13. Richard K. Rein, "Stock Scandal Said to Involve 14 College Funds," Chronicle of Higher Education, April 30, 1973, p. 1.

14. "Utah State U.'s Investments Reap Losses, Lawsuits," Chronicle of Higher Education, July 16, 1973.

15. Quoted in "1929: A Big Business Then, Too," and Richard Starnes, "An Unprecedented Economic and Ethical Crisis Grips Big-Time Intercollegiate Sports," Chronicle of Higher Education, Sept. 24, 1973, p. 6.

16. Louis G. Geiger, Voluntary Accreditation: A History of the North Central Association, 1945-1970, The North Central Association of Colleges and Secondary Schools, George Banta Co., Menasha, Wisc., 1970, pp. 34-38.

17. Starnes, op. cit., pp. 1, 6.

18. "Leaning back in his chair, the admissions director of a large private university reflected an unusually long moment on what seemed to be a simple question: 'What are the current admissions standards here?' He finally answered, a wistful smile curling around the edges of his mouth. 'Well, I'd say about 98.6 on the Fahrenheit scale. Below that we start to get choosy...'" (Stephen Joel Trachtenberg and Lawrence C. Levy, "In Search of Warm Bodies," Change, Summer 1973, p. 51).

19. Dennis L. Johnson, "Admissions is Not Marketing," presented at a meeting of the Middle States Association of Collegiate Registrars and Admissions Officers, Lancaster, Pennsylvania, November 29, 1972.

20. Toward a Learning Society, Carnegie Commission on Higher Education, October 1973, McGraw-Hill, New York, p. 87.

21. Hugh D. Jones, letter, Chronicle of Higher Education, Jan. 22, 1973, p. 8.

22. Loren Pope, "20 Myths That Can Jinx Your College Choice," Washington Post, Potomac, August 20, 1972, p. 24.

23. Thomas E. Corts, "Colleges Should Be Consumer-Minded," Chronicle of Higher Education, May 14, 1973, p. 16.

24. Richard A. Fulton, "Notes Providing the Basis for the Oral Statement by Richard A. Fulton, Executive Director and General Counsel, United Business Schools Association, Federal Trade Commission Hearings, Dec. 7, 1970" (8 pp., offset).

25. Clifford F. Youse, "Promotion and Recruitment of Part-time Students," Adult Leadership, February 1973, pp. 246-9 (text of a talk given at the May 1972 New England Continuing Education Regional Conference).

26. As reported by William Galeota and Bill Paul in a Wall Street Journal article, "Youth's Attitudes and Rising Costs Curb College Applications, Private Schools Start Recruiting Students," reprinted in The Compass, October 1971, pp. 15-16.

27. "College to Present Scholarship Offers By Way of Balloon," New York Times, December 26, 1973, p. 16.

28. Trachtenberg and Levy, op. cit., pp. 51-7 are the source of all the statements and quotations in the text following footnote 27.

29. Remark by the president of a private college at a Washington meeting of higher education officials in May 1973.

30. Trachtenberg and Levy, ibid., p. 57.

31. "Policy Statement on Institutional Integrity," Federation of Regional Accrediting Commissions of Higher Education, October 1966.

32. Many more examples are given in Larry Van Dyne, "Quest for Students Leads Many Colleges to Adopt Sales Techniques Once Shunned on Campuses," Chronicle of Higher Education, May 13, 1972, pp. 1, 7-9.

H. The Approval System for Veterans

Summary

The state system of approving courses (not schools or institutions) for veterans educational benefits contrasts strikingly with the OE system of relying largely on private accrediting agencies to determine the eligibility of schools and institutions (not courses or programs) for insured student loans. State agency staff may, if they wish, separately approve courses at regionally accredited institutions, but, in fact, do so only for non-credit vocational courses. Their energies are concentrated on courses at vocational, and especially proprietary, schools, which are inspected twice a year and subjected to astonishingly detailed regulations and reporting requirements. Insofar as schoolboy-type attendance records are honestly maintained and a pro-rata policy at unaccredited schools assures a fair tuition refund for dropouts, the system must protect the government and veteran dollar from wandering too far from the purposes for which it was appropriated. It does not ensure that the veteran receives a "quality" education; but, then, many approving agency staff state, and we agree, neither does reliance on institutional accreditation.

Relations between approving agency staff in many states and the agencies accrediting proprietary schools (and, to some extent, OE staff) have been strained, leading each side to insightful and inciteful criticism of the other. The approving system cost about $15 million a year. Critics say it is not worth it, and that accrediting agencies and AIES staff together cost much less. But a fair balance would have to charge against the accrediting system costs that are borne by students and the government for instruction that is never received, and indirect costs borne by all citizens for the maintenance of standards that serve the interests of educators and the professions.

Because of the long-standing tradition against federal control of education, the Congress entrusted the G.I. Bill of Rights (Public Law 346, 78th Congress, June 22, 1944) to the Veterans Administration but left educational approvals to state approving agencies designated by each governor. The resultant system relies heavily on accreditation but can also be independent of it and even competitive.

During the first decade, some 2.2 million World War II veterans used their benefits for higher education and another 3.5 million, for study at schools below the college level. This response exceeded all expectations (Table 1).

The original program got off to a fast start. By October 30, 1949, veterans were enrolled in half of the 40,797 approved schools, of which 31,843 were public or nonprofit and 8,954, for-profit.[1] From 1947 to 1949, more than 12,000 schools were added to, and about 5,200 removed from, the approved list. The V.A. Administrator noted the uneven quality of the state approving agencies, as has Boyd Finch, a past president of The National Association of State Approving Agencies (NASAA):

> The state quarreled with the Veterans Administration and the VA quarreled with the state, and the veterans quarreled with both. . . . The printing presses ran day and night grinding out VA Regulations. So much red tape was involved in deciphering VA Regulations and Instructions that production was almost stymied . . . .some state Approval Agencies in reckless abandonment, were approving every facility that had a roof over it. . . . No punches should be spared on either side. . . . It was pretty smelly for awhile . . . . something had to be done.[2]

Table 1

Three G.I. Bills:

Number Trained, Educational Level, and Cost

Trainees, Level, and Cost	Conflict				
			Post- Korean[a]		
				Vietnam	
	World War II	Korean	Cumulative	Veterans	Servicemen
	Number trained (thousands)				
Total trainees	7,800	2,391	3,648	2,417	300
College	2,230	1,213	1,910	1,387	66
Below college	3,480	860	1,437	783	234
On-the-job	1,400	223	290	242	-
On-the-farm	690	95	11	5	-
	Percent				
Total trainees	100	100	100	100	100
College	29	51	52	57	22
Below college	45	36	39	32	78
On-the-job	18	9	8	10	-
On-the-farm	9	4	*	*	-
	Billion dollars				
Total cost	$14.5	$4.5	$6.4		

[a] Through November 1972.   * Less than .5 percent.

Source: Information Bulletin, Veterans Administration, November 1972, p. 39.

At its first annual conference in September 1949, NASAA resolved that state approving agencies must improve the quality of their services, promote national uniformity of standards, "develop enough courage to enforce compliance," and protest any infringement of their responsibilities. The conference opposed two bills then pending to authorize the V.A. to establish standards for private vocational schools and to require states to hold public hearings on problems and complaints arising during school approvals.

In a February 1950 message to Congress, President Truman stated that, "In a good many instances veterans have been trained for occupations for which they are not suited or for occupations in which they will be unable to find jobs." An appended report noted, "there is evidence of enough poor quality [vocational] training to warrant serious concern....Schools approved in some States would be considered completely unsatisfactory in others."[3] Executive and Congressional investigations disclosed great shortcomings and fraud, including dancing lessons, allegedly to train professional dancing instructors, and flying lessons, allegedly to train pilots or flight instructors, nearly all offered by proprietary schools.[4]

Such abuses led to modifications in successive laws benefiting mainly veterans of the Korean and Vietnam conflicts. Improvements were achieved, but problems persist, though the incidence of specific malpractices may have altered. Disguised avocational courses, the falsification of attendance, and overcharging have apparently been reduced but false and misleading advertising persists.

A General Accounting Office study of the handling of World War II veterans by colleges and universities found that "some institutions increased their charges more than operational costs warranted." In addition, the study found that nonresident tuition rates were raised "in excess of fair and reasonable charges," that nonresident charges were levied on resident veterans "who, by reason of State law, were entitled to education, tuition free, at State Colleges;" and that the salaries of teachers "paid from Federal funds were included in the costs upon which charges were based."[5] A House Select Committee praised the veterans program at the college level as having "enjoyed more harmony and success" and given "better training...for less money than... any other phase of the...program." Nonetheless, it noted: "In some extension and night schools the quality of training has been questionable and persons have been enrolled who probably were not qualified to pursue college-level courses. In some colleges extension courses and night courses have taken on a promotional aspect. Many...border on avocational courses..."[6]

Federal Funds for Veterans

In 1973 the Veterans Administration spent more than $2 billion for the education of about 2 million beneficiaries.

The first G.I. Bill tended to encourage attendance at high tuition schools because the veteran's allowance for living expenses was separated from that for tuition, books, and equipment (which was limited to $500 per year). This arrangement led to overcharges and high mandatory purchases of books in captive bookstores; students sold or pawned excess equipment.

Under the Korean G.I. Bill, veterans received a larger allowance but had to pay for their tuition and books. In the course of time--and inflation--this led to reduced enrollment at private colleges. By April 1973, 81 percent of all veteran beneficiaries at higher educational institutions were enrolled in public institutions (Table 2).

Table 2

V.A. Beneficiaries, by Type of Institution, April 1973

Type of School	Number of students (thousands)			Percent in public
		Type of school		
	Total	Public	Private	
Total	1,401	776	624	55
College level	864	702	162	81
College and university	472	335	137	71
Senior college	358	338	20	94
Teachers college	27	27	*	99
Hospital	7	2	5	29
Below college level	427	63	364	15
Vocational and trade	309	46	263	15
Technical	61	2	60	3
Business	41	*	41	a
Secondary and elementary	16	16	*	98
On-the-job training	110	11	98	10

* Under 500 (255 in private teachers colleges, 33 in public business schools, 381 in private secondary and elementary schools.

a less than 0.5 percent.

Source: Information Bulletin, Veterans Administration, April 1973, corrected as of July 26, 1973, and unpublished V.A. data. Detail may not add to total, due to rounding.

The $2.2 billion estimated 1973 cost of this program for 1,920,000 beneficiaries (or some $1,146 per trainee) was probably then the single largest federal expenditure in education. Some 1,103,000 beneficiaries attended college-level and 650,000, below-college-level institutions; 167,000 were on-the-job trainees. Similar data for 1972 are given in Table 3.

Because the V.A. delegates so many decisions about educational quality to the states, it knows surprisingly little about veterans' educational objectives, accomplishments, and costs. Levitan and Zickler note that little information is available about administrative costs or program effectiveness. "Follow-up of trainees is nonexistent. The V.A. apparently considers its mandate completed once the veteran exhausts eligibility or leaves the program for any other reason."[7]

The law bars recreational or avocational courses at proprietary schools but not similar courses offered for credit by colleges. It does not otherwise prescribe the educational or vocational objectives veterans may elect. The goal of the Congress was to provide educational opportunities for those whose lives were interrupted by active duty. The V.A. seeks only to prevent fraud, to assure minimal standards, and to encourage the veteran to make reasonable progress toward his goal. After a poor start, it improved significantly.

The V.A. does not publish or maintain a national list of approved schools, but can provide a monthly list of the schools enrolling veterans. The November 1972 list included 11,640 domestic and foreign schools enrolling 1.2 million veterans.

Table 3

Outlays for Veterans' Education, 1972

Type of School	Number of students (thousands)	Outlays	
		Per student	Total (millions)
Total	1,864	$ 972	$1,812
College level	1,065	$1,233	$1,313
Undergraduate	895	1,258	1,125
(Junior college)	(390)	(1,169)	(456)
Graduate	170	1,101	188
Below college level	800	$ 625	$ 500
Trade or technical	546	558	305
(Correspondence)	(282)	(396)	(112)
On-the-job training	162	734	119
Flight training	43	1,029	44
High school	40	420	17
Cooperative farm	9	1,748	16

Source: Management and Budget Service, Veterans Administration, October 1972, as reported in Sar Levitan and Joyce Zickler, Swords Into Plowshares, Olympus Publishing Co., Salt Lake City, 1973, p. 57, Detail may not add to total, due to rounding.

The State Approving Agencies

The notice "Approved by the V.A." which is discouraged in many states but employed in some advises veterans that they may use their benefits to take particular courses at that school. Prospective students may think that the school has been approved by the Veterans Administration. However, that is not strictly true, since, except for foreign schools, approval is conferred by an authorized state agency and is confined to designated courses; it does not represent an endorsement of the entire schools.

The Veterans Administration has divided the educational world into two segments: 1. institutions of higher learning (IHL), or degree-granting universities, colleges, and junior colleges; and 2. institutions below college level (BCL), or non-degree-granting, postsecondary schools (public, nonprofit, and for-profit) as well as secondary and elementary schools, which a few beneficiaries attend.

The V.A. reimburses the state agencies for their approval work by a contract with a formula that has allowed one annual visit to each degree-granting institution and an average of 2.5 visits to other schools. Thus the allocation of time and travel funds implies that institutions of higher education are more trustworthy than other schools, many of which are profit-seeking.

Under V.A. regulations, state approving agencies may, but need not, treat accredited schools more leniently than unaccredited schools. Thus, if a school is treated as accredited under Section 1775 of the U.S. Code, its tuition refund policy is accepted, whereas if it is treated as unaccredited, under Section 1776, it must give students _pro rata_ refunds. Section 1775 states that an approving agency may approve an institution's courses if they "have been accredited and approved" by an accrediting agency recognized by the Commissioner of Education or "are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree."

Approval under Section 1776 is more complex and time consuming than under Section 1775. It requires an investigation which finds that "the institution and its nonaccredited courses" have met the following thirteen criteria specified in the law and (No. 14) any additional criteria imposed by the state approving agency:

> (1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.
>
> (2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.
>
> (3) Educational and experience qualifications of directors, administrators and instructors are adequate.
>
> (4) The institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person and the Administrator so notified.
>
> (5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment.
>
> (6) Upon completion of training, the eligible person is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.
>
> (7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.
>
> (8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.
>
> (9) The institution is financially sound and capable of fulfilling its commitments for training.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.

(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

In addition, the V.A. statute requires that a private school have operated for two years before it can be approved. However, this rule can be waived for institutions which are nonprofit, college level, and "recognized for credit toward a standard college degree" (including unaccredited schools whose credits are accepted by three accredited institutions). And what is a "standard college degree"? It is a degree awarded by institutions of higher learning accredited by agencies recognized by the Commissioner of Education.

Thus, the two-year proviso indirectly favors public institutions and accredited, degree-granting nonprofit institutions, and subjects unaccredited and for-profit schools to more complex conditions. One state education officer writes that the two-year waiting period "brought more order into veterans education than any other single development. I could not help but remember how impressed we were with the two-year rule for veterans schools and how little we were impressed with the accredited status for those same schools."[8]

Disapprovals

Certain courses must and others may be disapproved. The law bars courses in bartending or personality development; courses in sales and sales management for which it cannot be demonstrated "that at least half of all persons completing the course during the preceding two years have actually been employed in sales or sales management"; and "any course which the Administrator finds to be avocational or recreational. . . ."

V.A. regulations also require the disapproval of courses at schools which violate Title VI of the Civil Rights Act. Two schools have been disapproved for failure to file an affidavit of compliance: Eastern Baptist Bible College, Hampton, Virginia, and Soulé Business College, New Orleans. In enforcing this regulation, the V.A. has reportedly relied upon the work of the HEW Office of Civil Rights. This office has found two fundamentalist schools, Bob Jones University of Greenville, South Carolina, and the Free Will Baptist Bible College of Nashville, Tennessee, in noncompliance and, hence, ineligible for federal programs. However, as of November 1972, one V.A. beneficiary was attending Soulé Business College, and 54 beneficiaries were attending Free Will Baptist. Bob Jones University, which had 218 V.A. beneficiaries, sought a court order to stay enforcement. A federal court ruled against the university in August 1974.

Federal Control?

The law provides that "No department, agency, or officer of the United States will exercise any supervision or control over any State approving [or]...educational agency, or any educational institution." Nonetheless, the V.A. retains the authority:

1. To define full-time training in certain courses.

2. To determine whether overcharges were made by a school and to disapprove the school for enrollment of veterans or eligible persons not previously enrolled.

3. To determine whether the state approving agencies are complying with the standards and provisions of the law.

4. To examine school records and accounts, which must be made available.

5. To disapprove schools or courses for reasons given in the law and to approve schools or courses notwithstanding lack of state approval.

In an interview, one state official depicted the arrangement as "a federal system which is made to look like a bit of a state system. In fact, the state approving agencies use federal standards, federal funds, federal forms, and the V.A. has the right to overrule state decisions. It has done so. We have a federal system in all but name."

The V.A. regional office staff conduct compliance surveys, visiting schools to check their attendance records, tuition charges (are they the same for veterans as for nonveterans?), and that at least 15 percent of students are nonveterans. Virtually all compliance visits had been confined to vocational schools and unaccredited colleges, but in 1973 their scope was being broadened.

In 1972, the V.A. paid schools over $3.5 million for processing reports on veterans and the states, $10 million for their costs (in 1973, $8.8 million). Marvin Busbee, legislative director of the National Association of State Approving Agencies, estimates that over half of the sum received by the states went for the administration of on-the-job and apprenticeship training programs and under half for course approvals.[9] The direct cost of V.A. staff visits, compliance surveys, and processing state agency approvals came to another $1.4 million. Hence, the V.A.-state agency system cost, all told, at least $15 million that year.

V.A. annual contracts authorize each state agency to conduct a certain number of site visits and to render other services, for which it will be reimbursed. The District of Columbia and Delaware have not asked for reimbursement; nor, until recently, did Maryland for its work at higher educational institutions; a similar situation probably obtains in several other states. Marvin Busbee testified in 1972 that, on the basis of a survey he conducted, 48 percent of the costs of administering the program were, on average, borne by the V.A. The formula for reimbursing state costs was subsequently doubled so that, Busbee writes, the state agencies might now be receiving their full costs had not these also risen.[10]

The evidence indicates that, in the close interplay between the Veterans Administration and the state approving agencies, the V.A. avoids interfering with educational quality or content, and tries punctiliously to see that the agencies observe the rules. There is no indication of V.A. control or of unreasonable interference with state agencies' work.

The agencies, in turn, stress record keeping and enforcing of V.A. regulations, and many appear to do little about inquiring into educational quality. Thus, vocational schools may not retain more than a $10 registration fee if a veteran drops out before the start of classes and subsequent refunds must be proportionate to his period of attendance. Students who are not veterans get a smaller refund, so that a school may have different refund policies for different students. At the discretion of state approving agencies, schools accredited by agencies recognized by the Commissioner of Education may be exempt from the _pro rata_ refund requirement--a distinct advantage of recognition.

Adherence to other V.A. standards can be less strict. One business school in the District of Columbia has advertised regularly in the _Washington Post_ that it is "V.A. Approved," despite the V.A.'s longstanding assertion that such a statement is incorrect and impermissible.

The additional responsibility of upholding educational standards is discharged poorly in some states and not at all in others. In a few states, it is discharged well--probably as well as, or better than, some private accrediting agencies discharge _their_ responsibilities. The relative effectiveness of state and accrediting agency inspections obviously varies with the particular state, accrediting agency, and even school.

Thus, there is no federal control of the quality of veterans' education nor, in many states, any state control. In these states, the only agencies inquiring into the substance and quality of education have been accrediting bodies. In states where no vocational schools are accredited, state agencies provide the only control.

Approval and Accreditation

Some 80 percent of the four-year colleges and universities listed in the OE Higher Education Directory for 1972-73 were fully accredited by a regional commission. As accredited institutions are, on average, larger than unaccredited ones, it is safe to say that the vast majority--probably, 90 percent or more--of veterans at baccalaureate or higher-level institutions have attended accredited institutions whose eligibility has been determined under Section 1775--i.e., by their regional accreditation.

The proportion of the junior or two-year colleges with full regional accreditation was much lower--perhaps only 55 percent. That was in the fall of 1972, and the proportion has no doubt since risen and will continue to rise. If the distribution of veterans resembled that of other students, at least 15 percent, and in all likelihood more, were at unaccredited colleges, most of which were approved automatically as public institutions. Relatively more veterans than nonveterans might, in fact, have attended unaccredited junior colleges. Proximity is important to low-income veterans and the newer colleges, which tend to be more accessible, are also more likely to be unaccredited.

Finally, what was the situation among proprietary vocational schools (Table 4)? Some 88 percent of the veterans taking correspondence courses were enrolled in schools accredited by the National Home Study Council.[11] The proportion of veterans whose business and technical training was taken at accredited proprietary schools was decidedly lower: at a guess, about 60 percent of those in business schools, 45 percent of those in cosmetology schools, and

Table 4

Number of Postsecondary Schools with Occupational Programs

and Number Approved for Veterans, 1971

Type of School	Number of postsecondary schools with occupational programs			Percent approved for veterans
	Total	Accredited*	Approved for veterans	
Total	11,731	?	6,597	56
Cosmetology	2,442	527	1,198	49
Flight	1,880	9	1,328	71
Business	1,679	504	898	53
Technical/vocational	1,422	241	815	57
Hospital	1,266	947	703	56
Trade	1,081	77	522	48
Junior college	787	594	670	85
Other	1,174	?	463	39

* By an agency recognized by the Commissioner of Education.

Source: Unpublished tabulation of survey conducted for the Evelyn R. Kay, *Directory of Postsecondary Schools with Occupational Programs, 1971*, Department of Health, Education, and Welfare, 1973.

perhaps 35 percent of those at trade and technical schools. And in more than half the states, accredited proprietary schools were approved on the same basis as unaccredited schools, after direct inspection under the stricter terms of Section 1776. The script of the agencies which accredit proprietary schools has simply not been accepted by many states. Indeed, one major task of the state agencies has been to police miscreant but accredited proprietary schools, though to say that is to call into question the efficacy of the policing as well as the accrediting of these problem schools.

Some state officials have expressed their distrust of agencies recognized by the Commissioner of Education to accredit proprietary schools. One official acknowledged difficulties in sharing information with accrediting agencies. For example, the National Association of Trade and Technical Schools had inquired about schools in his state, but "we will not release confidential information which could lead to personal injury suits or liability." Nonetheless, he was scornful of a NATTS team which visited a local computer school "faster and took less time than our own supervisory visit; we have no respect for them at all." He observed that schools frequently changed courses after accreditation and that, whereas accrediting agencies accredited schools, his office approved courses and hence provided a more pertinent evaluation. (However, insofar as the inspection for veterans' courses also entails such institutional standards as financial stability, fire safety, sanitation, lighting, refund policies, etc., it is also a form of institutional approval). Another state official said that he would not even send an observer to accompany a NATTS team, because "we do not want to add to their prestige. We do participate in some visiting teams of ACBS."

Contrariwise, the director of another approving agency said that he enjoyed participating in NATTS teams "because I think they do a very thorough job....accreditation delves into the financial stability of a school to an extent that...would be improper for a State agency...." Others heaped special criticism on ACBS schools. State standards for authorizing a business school to award an associate degree, one official asserted, were higher than those of ACBS and yet, "in order to qualify for federally guaranteed student loans, this school is forced...to be accredited by ACBS." Several officials called the agencies accrediting proprietary schools "self-serving" and "trade associations." They charged that agency fees were too high for some small, good schools; and that the agencies would be reluctant to reduce their dues income by withdrawing accreditation from, or denying it to, too many schools. They cited examples of schools closed by injunction or court order whose accreditation continued for months thereafter. (Conversely, accrediting agency spokesmen pointed to schools which remained approved for veterans after their accreditation had been withdrawn.)

At the June 1972 annual meeting of the National Association of State Approving Agencies in Portland, Oregon, feelings were sufficiently strained so that representatives of the "big three"--NATTS, ACBS, and the National Home Study Council--were noticeable for their absence. However, the three were again represented at the June 1973 meeting in Charleston, W. Va., as they had usually been in earlier years.

To document their criticisms, state officials cited errors committed and problem areas overlooked by accrediting teams. They asserted that distant staff were unable to monitor frequent changes or to police adequately the educational and business practices of schools by a one or two-day visit every five years. In turn, the approving agencies have been subjected to ample criticism from representatives of the accrediting agencies, the Office of Education, independent observers, and even, occasionally, V.A. headquarters. Thus, V.A. education director Morris Nooner has reproved them for submitting too many defective forms.[12] More severe critics charge that many state officials are appointed because of whom, not what, they know and that even good officials can do little to discipline schools owned by large corporations whose directors know their way around state capitals and whose counsel can exact the last ounce of process due, in the blessed equality of the law, to the powerful as well as the weak.

Plainly, no love is lost between the agencies which accredit proprietary schools and those which handle veterans approvals in many states (e.g., Texas, Minnesota, and Florida). In other states, however (such as New York and Ohio),they work together well and with mutual respect.

In approving courses at higher educational institutions, the state agencies have commonly deferred to the judgment of regional commissions, supplemented by the automatic acceptance of public institutions. In principle, this deference is anomalous, since the approving agencies insist that they approve only courses, while the regionals accredit only institutions. If they wished to gloss over this distinction, it would be more justifiable to do so in a small proprietary school which offers only a few courses than a university, which offers hundreds or thousands. However, to inspect and approve all the courses taken by veterans at higher educational institutions would vastly multiply the costs of the approving system and require personnel with advanced degrees and administrative experience in higher education. State approving agencies have been staffed with veterans, former military personnel, state civil servants, and blue-collar workers, as is quite appropriate for inspections concentrating on programs training prospective craftsmen, mechanics, technicians, office workers, barbers, and so forth.

A key distinction drawn in the veterans approval system is that between courses which are, and are not, offered for credit. In the former, benefits are calculated on the number of credits taken; in the latter, on the number of clock hours. It is the "clock hour" or vocational courses that take much of the time of personnel in the schools and approving agencies and for which hourly attendance records are required. These records, and the inspections that seek to ensure their accuracy, are required whether a vocational school is accredited or not; indeed, they are required even of vocational, non-degree courses taken by veterans at regionally accredited universities--but not of veterans enrolled for credit in the same courses. In essence, the V.A. and the Congress have, wisely, or unwisely, decided to concentrate the bulk of the resources devoted to approving and monitoring courses upon vocational or non-degree training and to handle college-level education more lightly. Approval agencies seek to ensure fair tuition refunds, to prevent fraud, and to eliminate courses designed to exploit rather than instruct veterans. The assessment of educational quality is not their principal concern.

The V.A. has been criticized for relying too heavily on lawyers and quasi-legal professionals. Observers have noted the shortage of staff with backgrounds in higher education and the weakness of V.A. contacts with higher educational associations.

Survey of State Approving Agencies

A survey we conducted from August to October 1973 provides further insight into the state approving system and its relations to private accreditation. Responses were obtained from the heads of approving agencies in the fifty states, the District of Columbia, and Puerto Rico. It should be borne in mind, however, that the fragmentation of state authority for different educational sectors makes it difficult to collect reliable information about all postsecondary institutions from one source. State approving agency staff are more knowledgeable about vocational schools and courses, to which most of their time is devoted, than higher educational institutions and programs.

Number of Approved Schools

Tables 5 and 6 indicate the number of postsecondary degree-granting and non-degree-granting institutions, by state, and the number at which one or more courses were approved for veterans under Section 1775 (as accredited) and 1776 (unaccredited), respectively, as reported by our respondents. The statistics are of varying reliability; many represent estimates, not counts. As agency staff are accustomed to dealing with courses, not schools or institutions, some double counting of institutions offering both "clock-hour" and for-credit courses may occur.

Reasons for Revoking Approval

In the preceding twelve months, only six degree-granting institutions had had their approval, and five, their license, revoked, a further indication that these institutions do not pose the same kinds of problems to state officials as do vocational schools,

Table 5

Number of Degree-Granting Insitutions, Licensed and Exempt, Approved for Veterans, and License and Approval Revocations in Last 12 Months, By State, 1973

State	Number of Degree-Granting Institutions of Higher Education						Revocations in last 12 months of	
				Approved for veterans				
					Under section			
	Total	Licensed	Exempt	Total	1775	1776	License	Veterans Approval
Alabama	74*	0*	74*	71*	67*	4*	0*	0*
Alaska	3	[X]	3	3	3	0	0	0
Arizona	22	3	19	22	22	0	0	0
Arkansas	22	0	22	22	22	[0]	0	0
California	362*	118*	244*	281*	220*	61*	1*	0*
Colorado	48*	[x]	48*	41*	40*	1*	0*	0*
Connecticut	48*	48*	0*	44*	41*	3*	0*	0*
Delaware	7	7	0	7	6	1	0	0
District of Columbia	46	36	10	43	38	5	0	0
Florida	119*	[illegible]	94*	83	65	18	0	0
Georgia	60*	0*	60*	60*	60*	0*	[0]	0*
Hawaii	14	5	9	14	?	?	0	0
Idaho	10	[X]	[10]	10	10	0	0	0
Illinois	152*	152*	0*	152*	144*	8*	1*	0
Indiana	45*	45*	[0]	44	41	3	1	1

State	Total	Licensed	Exempt	Approved for veterans Total	Under section 1775	1776	Revocations in last 12 months of License	Veterans Approval
Iowa	55	0	55	55	41	14	0	0
Kansas	54	9	45	54	54	0	0	0
Kentucky	50	X	[50]	47	47	0	0	0
Louisiana	35	?	?	35	?	?	0*	0*
Maine	25	0	25	24	24	0	0	0
Maryland	50	50	0	50	50	0	0	0
Massachusetts	124	0	124	120	101	19	1	0
Michigan	94	0	94	93	70	23	[0]	0
Minnesota	73	0	73	73	70	3	0	0
Mississippi	47	13	34	47	47	0	0	0
Missouri	88	[X]	[88]	88	67	21	[0]	1
Montana	13	0	13	13	12	1	0	0
Nebraska	25	25	0	25	25	0	0	0
Nevada	7	2	5	7	7	0	0	0
New Hampshire	29	0	29	29	27	2	0	0
New Jersey	59	51	8	56	41	15	0	0
New Mexico	23*	23*	0*	23*	10*	13*	0*	0*
New York	242	234	[8]	242	242	0	0	0
North Carolina	118	73	45	118	93	25	0	2
North Dakota	14	[X]	[14]	14	14	0	0	0

State	Total	Licensed	Exempt	Approved for veterans Total	Under section 1775	 1776	Revocations in last 12 months of License	 Veterans approval
Ohio	101*	[X]	[101]	[101]	101*	[0]	[0]	0
Oklahoma	44	44	0	44	44	0	0	0
Oregon	49	0	49	49	47	2	[0]	0
Pennsylvania	184	184	0	184	184	0	0	0
Rhode Island	16	16	0	16	16	0	0	1
South Carolina	58	0	58	58	52	6	[0]	0
South Dakota	18	0	18	18	17	1	0	0
Tennessee	80*	0*	80*	80*	45*	35*	0	0
Texas	150*	0*	150*	150*	130*	20*	0*	0*
Utah	13	[X]	[13]	13	?	?	0	0
Vermont	31*	31*	0*	27*	27*	0*	0*	0*
Virginia	72	72	0	72	72	0	0	0
Washington	45	1*	44	44	44	0	0	0
West Virginia	24	10	14	24	22	2	0	0
Wisconsin	85	4	81	85	63	22	1	1
Wyoming	8	0	8	8	2*	6*	0	0
Puerto Rico	10	10	0	10	10	0	0	0
Total	3,245	1,291	1,919	3,093	2,697	334	5	6

*Estimate by respondent. X State has no licensing law. [ ] Editorial entry. Subtotals do not add to totals because of omissions of subentries for Hawaii, Louisiana, and Utah.

Source: Survey of state approving agencies for veterans, August-October, 1973.

Table 6

Number of Non-Degree-Granting Postsecondary Schools, Licensed and Exempt, Approved for Veterans, and Licenses and Approvals Revoked in Last 12 Months, By State, 1973

	Number of Non-Degree Granting Postsecondary Schools							
				Approved for veterans			Revocations in last 12 months of	
					Under section			
State	Total	Licensed	Exempt	Total	1775	1776	License	Veterans approval
Alabama	70*	14*	56*	70*	56*	14*	0*	0*
Alaska	40*	23*	[17]	23	0	23	0	0
Arizona	226	221	5	128	0	128	1	0
Arkansas	200*	68	132*	142	1	141	2	41
California	1635*	1265*	370*	980*	233*	747*	3*	10
Colorado	165*	135*	30*	151*	20*	131*	3	8
Connecticut	215*	75*	140*	175*	96*	79*	0*	4*
Delaware	18	14	4	12	?	?	0	0
District of Columbia	[57]	54	[3]	57	15	42	0	0
Florida	600*	0	600*	445	249	196	0	23*
Georgia	300*	118	182*	209*	5*	204*	?	8*
Hawaii	[67]	67	?	[28]	?	28	0	0
Idaho	75*	28*	[47]	39	5	34	?	1
Illinois	447*	393*	54*	300*	50*	250*	0*	0*
Indiana	300*	295*	5*	286	40	246	?*	13

				Approved for veterans			Revocations in last 12 months of	
					Under section			
State	Total	Licensed	Exempt	Total	1775	1776	License	Veterans approval
Iowa	148	32	116	148	49	99	[0]	1
Kansas	80*	42*	38*	79	8	71	1	5
Kentucky	139*	[139]	0	102	8	94	0	1
Louisiana	[349]	?	?	349	?	?	?	?
Maine	55	36	19	34	3	31	0	0
Maryland	[222]	222	?	129	0	129	0	0
Massachusetts	173	173	0	159	101	58	6	6
Michigan	195	195	0	101	62	39	13	9
Minnesota	125	75	50	123	83*	40*	1	1
Mississippi	70*	15*	55*	61*	2*	59*	0*	0*
Missouri	364*	121	[243]	278	151	127	[0]	24
Montana	54	22	32	50	28	22	0	0
Nebraska	105	105	0	92	0	92	0	2
Nevada	39	31	8	18	3	15	1	3
New Hampshire	48	48	0	48	14	34	0	0
New Jersey	213	198	[15]	158	0	158	0	0
New Mexico	120*	120*	0*	61*	0*	61*	2	0
New York	1,085*	985	100*	677	464	213	0	11
North Carolina	143	33	110	143	9	134	[4]	[4]
North Dakota	1	[?]	[?]	1	0	1	0	0

State	Total	Licensed	Exempt	Approved for veterans Total	Under section 1775	1776	Revocations in last 12 months of License	Veterans approval
Ohio	[358]	[?]	[?]	358*	250*	108*	[0]	18*
Oklahoma	228	179	49	163	0	163	5	1
Oregon	79	79	0	75	4	71	0	1
Pennsylvania	570*	570*	0	542	95	447	0	0
Rhode Island	50*	50*	0*	30*	5*	25*	3	3
South Carolina	203	53	150	88	0	88	9	4
South Dakota	75*	[?]	[?]	41	16	25	0	1
Tennessee	230*	100*	130	190*	30*	160*	0*	0*
Texas	770*	700*	70*	509	4	505	0*	[illegible]*
Utah	69*	[?]	[?]	[69]	23	46*	[0]	0
Vermont	17*	14*	3*	17*	14*	3*	0	0
Virginia	340*	340*	0	35	0	35	0	2*
Washington	300*	[?]	[?]	238	18	220	?	32
West Virginia	99*	72*	27*	91	4	87	0	1
Wisconsin	135	73	62	134	47	87	13	12
Wyoming	44	22	22	32	11	21	0	0
Puerto Rico	21	15	[5]	21	0	21	0	0
Total	11,731	7,629	2,949	8,489	2,276	5,852	67	255

*Estimate by respondent. [ ] Editorial entries .
Subtotals do not add to totals because of omissions in several entries.

Source: Survey of state approving agencies for veterans, August-October, 1973.

and/or do not receive the same kind of attention from them and/or are too strong to be dealt with as summarily as small for-profit schools. Only 73 percent of non-degree-granting institutions were approved for veterans. Unfortunately, we cannot say how many of the remaining 27 percent or 3,242 schools were unapproved because they failed to meet approving agency standards or merely because, as veterans never applied to enroll in them, they never sought approval. Among the latter were many hundreds of proprietary beauty, modelling, cosmetology and secretarial schools enrolling mainly women.

It was estimated that, during the preceding twelve months, 67 schools had had their license revoked and 255, their approval for veterans withdrawn. Judging from the explanations offered, a minority --perhaps a fifth or less--of the cases in which approval was withdrawn were attributable to breaches of regulations. Most resulted from changes in the school's status: closure, which probably accounted for most license revocations; merger, sale, or physical relocation; loss of veteran enrollment; dropping an approved course; or a request to have approval withdrawn.

Breaches of regulations leading to withdrawal of approval included: failure to advise the agency of a change of ownership or tuition increases; failure to provide copies of the teaching license of new faculty and an accurate financial statement; noncompliance with refund policy; failure to comply with the Civil Rights Act; evidence of financial instability, poor facilities and equipment, high staff turnover, poorly qualified instructors, and inability to place graduates; lack of a "valid vocational objective" (for a foreign language school); and failure to maintain accurate records of student certificates (for pilot training), attendance, and progress; failure to provide the agency and students with a catalog; lack of established policies in required areas, including refunds; and unauthorized interruption of the training schedule. The astonishingly detailed surveillance of proprietary school operations by some approving agencies is indicated by a set of warning letters to the managers and owners provided by one respondent. Thus, one letter to the president of H___ School reads:

> On January 31, 1973, a compliance survey was conducted at H___ School, Inc. by representatives of this staff ...The following are violations disclosed during the survey:....
>
> Daily attendance records were not being maintained as represented in Exhibit Q of the approved catalog. Time punch cards are being kept...in lieu of the approved daily attendance records....
>
> Kenneth M___, full-time student, was absent nine (9) days in November and seven (7) days in December.
>
> Johnny R. L___, half-time student, was absent seven (7) days in November and seven (7) days in December.
>
> None of the above absences were documented as excused absences.
>
> ....The Time Punch cards used to compute these absences were not accurate, i.e. students punched in during the morning only or would never punch out after lunch....
>
> The school declared December 26, 1972, as a holiday, however...the approved catalogue did not reflect this holiday, nor was our office notified of the alteration....

A letter from the director of the approving agency to the owner of C___ C___ College states:

> ....The qualifications of a number of your instructors are highly questionable. The use of students as teachers is totally unacceptable....The issue of using unqualified or inexperienced instructors has been discussed with you on previous surveys....Unless this situation can be remedied, we will not be able to continue your approval....

> On the day of the survey, it was noted that all students were dismissed at 12:50 p.m. rather than at 1:00 p.m. You stated that you have always dismissed classes at 12:50 p.m. for the day school and at 9:50 p.m. for the night school. It must be concluded, therefore, that the veteran students enrolled in C___ C___ College since the time of the original approval have never met the requirements for payment of full-time educational assistance allowance for the day school or half-time educational assistance for the night school....
>
> Because of the serious nature of the violations of approval criteria noted during the survey, the enrollment or re-enrollment of veterans and other persons eligible to receive educational assistance....is being restricted to those...in active attendance....

A July 31, 1973 letter to the director of D___ College states:

> ....Attendance records have been found to be incomplete on each compliance survey within the past year. Excessive absenteeism was noted...[and] the termination policy for unsatisfactory attendance is not being consistently enforced....refunds are not always made within thirty (30) days of termination as stated in...your approved catalogue....

And an April 5, 1973 letter to the director of a beauty culture school (called a "University"):

> It was...noted that you were requiring all supplies to be purchased at the school. This...cannot be allowed. If students desire to purchase their books, tools, and equipment from your facility, they are certainly permitted to do so. However, should they desire to obtain these items from another source, this is their prerogative.
>
> A student's lack of productivity may well be grounds for dismissal.... However, if tuition has been paid the school is not permitted to withhold credit for hours attended....

Approvals With and Without Reliance on Accreditation

The handling of approvals in each state under Sections 1775 and/or 1776 for proprietary schools accredited by four agencies recognized by the commissioner is detailed in Table 7. Many respondents were at pains to observe that approval under 1775 meant nothing but the substitution of the accrediting agency's refund policy for the *pro rata* policy required of other schools; all other regulations imposed on "clock-hour" vocational courses applied equally to

Table 7

Veterans Approving Agency Recognition of Four Agencies Accrediting Proprietary Schools, By State, and Number of Accredited Schools in State, 1973

a. Approved under Section 1775 (accreditation recognized).
b. Approved under Section 1776 (without reliance on accreditation).
c. Approved under both sections.
d. No information.

State	Accrediting Agency, Number of Accredited Schools, and Type of Veterans Approval			
	AICS	NATTS	NHSC	CAC
Alabama	10 a	2 a	1 b	5 b
Alaska	1 a	0 b	0 b	0 b
Arizona	7 a	8 b	3 b	27 b
Arkansas	4 c	1 c	0 d	2 c
California	41 a	65 a	34 a	43 d
Colorado	7 a	11 a	8 a	9 a
Connecticut	9 a	5 a	2 a	6 a
Delaware	1 a	0 b	0 b	1 b
District of Columbia	7 c	4 b	7 a	1 b
Florida	15 a	9 a	7 a	4 a
Georgia	6 b	9 b	3 b	2 b
Hawaii	2 d	0 d	0 d	1 d
Idaho	1 b	0 b	0 d	5 d
Illinois	14 b	8 b	33 b	29 b
Indiana	7 a	8 a	1 a	15 a
Iowa	6 c	2 a	0 a	11 a
Kansas	9 d	7 d	0 d	10 d
Kentucky	10 c	2 b	1 b	7 b
Louisiana	15 d	2 d	0 d	10 d
Maine	5 b	0 b	0 b	6 b
Maryland	9 b	7 b	0 b	6 b
Massachusetts	23 b	15 b	1 b	9 b
Michigan	17 b	10 d	2 b	36 d
Minnesota	8 d	11 d	4 d	16 d
Mississippi	4 a	1 d	0 b	1 b

Table 7, Page 2

State	Accrediting Agency, Number of Accredited Schools, and Type of Veterans Approval			
	AICS	NATTS	NHSC	CAC
Missouri	9 a	14 a	14 a	20 b
Montana	4 a	2 a	0 d	7 a
Nebraska	5 b	5 b	0 b	11 b
Nevada	1 a	2 a	0 a	4 b
New Hampshire	5 a	0 a	0 a	1 b
New Jersey	9 b	15 b	9 b	16 b
New Mexico	3 b	3 b	10 b	4 b
New York	21 a	32 a	0 a	14 a
North Carolina	11 c	4 b	0 b	7 b
North Dakota	5 b	1 b	0 d	8 b
Ohio	21 c	25 c	5 c	21 c
Oklahoma	7 b	6 b	2 b	14 b
Oregon	6 a	4 a	2 a	10 d
Pennsylvania	33 a	44 a	15 a	23 d
Rhode Island	3 a	3 a	1 a	0 b
South Carolina	6 c	0 d	0 d	4 b
South Dakota	4 c	0 b	0 b	2 b
Tennessee	15 a	4 a	3 a	12 b
Texas	49 b	22 b	1 b	25 b
Utah	3 b	3 b	1 b	18 b
Vermont	1 a	0 b	0 b	2 b
Virginia	13 b	4 b	2 b	13 b
Washington	10 b	4 b	7 b	6 b
West Virginia	9 a	2 a	0 a	8 a
Wisconsin	4 c	9 c	10 c	19 b
Wyoming	0 d	1 a	0 a	1 a
Puerto Rico	0 d	0 d	0 d	0 d
Total				
Number of States	52	52	52	52
a	24	18	17	9
b	16	23	23	31
c	9	3	2	2
d	6	8	10	10

Table 7, Page 3

	AICS	NATTS	NHSC	CAC
Number of Schools	505	396	189	521
a	219	210	94	65
b	179	120	76	280
c	73	35	15	23
d	34	31	4	153

AICS -Association of Independent Colleges and Schools
NATTS-National Association of Trade and Technical Schools
NHSC -National Home Study Council
CAC -Cosmetology Accrediting Commission

Source: Survey of heads of veterans state approving agencies, August-October, 1973 and 1973 directories of accrediting agencies.

accredited and unaccredited schools. "The only difference in the way we treat them," one respondent explained, "is that, under the law, the refund policy is as directed by the accrediting association; and I would sure like to see the law changed to a flat pro-rata policy for all proprietary schools, accredited or not." In some states, a few degree-granting schools accredited by AICS or NATTS are approved under 1775 whereas non-degree-granting schools accredited by the same agencies are approved under 1776. One reasons for the reluctance of many state officials to approve accredited proprietary schools under Section 1775 is their wish to give veterans the fuller refund protection afforded by Section 1776.

We have earlier noted that approving agency staff were more inclined to accept accreditation as an indication of the quality and probity of higher educational institutions than of proprietary schools, though fewer accepted it as a mark of probity for either kind of institution. Forty agreed that all regionally accredited institutions should be eligible for insured student loans whereas only 21 felt that all accredited proprietary schools should be eligible (Tables 8 and 9).

Opinions of Institutional Accreditation

Seven out of ten respondents agreed that regional accreditation was a good or "fair" indication of an institution's quality and six out of ten, of its probity. Nonetheless, they repeatedly added reservations and qualifications about its value. Most accepted its usefulness as a basis of eligibility for insured student loans, but would also extend eligibility to many unaccredited institutions and felt that state agencies should take part in eligibility deter-

Table 8

Opinions of Veterans Approving Agency Heads about the Eligibility, Quality, and Probity of Regionally Accredited Institutions

Questions on degree-granting institutions	Number Replying				
	Yes	No	Don't Know	No Answer	Total
1. Should all regionally accredited institutions be eligible for insured student loans?	40	3	7	2	52
2. Is regional accreditation a good indication of an institution's educational quality?	37	5	8	2	52
2a. Of its probity--honesty and integrity?	32	7	10	3	52
3. Should any unaccredited institutions be eligible for insured student loans?	22	13	12	5	52

Source: Survey of veterans state approving agencies, August-October, 1973. The full questions are given in the questionnaire reproduced in the appendix (see questions D, 9, 9a, 10).

Table 9

Opinions of Veterans Approving Agency Heads about the Eligibility, Quality, and Probity of Accredited Proprietary Schools

Questions about schools accredited by AICS, CAC, NATTS, and NHSC	Number Replying				
	Yes	No	Don't Know	No Answer	Total
1. Should all such accredited schools be eligible for insured student loans?	21	20	9	2	52
2. Is such accreditation a good indication of a school's educational quality?	23	19	7	3	52
2a. Of its probity--honesty and integrity?	17	19	13	3	52
3. Should any unaccredited schools be eligible for insured student loans?	24	18	8	2	52

Source: Survey of veterans state approving agencies, August-October, 1973. The full questions are given in the questionnaire reproduced in the appendix (see questions E, 11, 11a, 12).

minations.

Comments like "Regional accreditation indicates some minimum standards have been attained"; "We rely on their credibility"; "...the requirements for accreditation assure a reasonably high standard of educational quality"; and "Certainly, continuing accreditation by a regional association speaks to the reputation of an institution" convey the tenor of commendations.

The voluntary nature of accreditation was stressed to indicate that many good institutions, unaccredited out of choice, should be able to qualify for federal programs. "I am sure some non-accredited institutions have high quality education...." "There are many fine accredited schools and there are many excellent schools that have not chosen to seek accreditation." One respondent enclosed a statement by the vice-president of an unaccredited Bible college:

> I think it would be a very serious blow if participants in the Veternas' Education program should be limited to schools who are recognized by one of these nationally recognized accrediting agencies. This would eliminate hundreds of fine schools who are doing a tremendous job both from an educational and a spiritual standpoint....
>
> It is not our desire to belong to one of the nationally recognized accrediting agencies because of the very nature of our school. ____ is designed primarily to train ministers, missionaries and those training for church music, youth work, etc. The demands upon a school by an agency such as the ____ Accrediting Association are such that it would completely disrupt the purpose and goal of schools such as ours. There are many courses they would require us to teach that do not fit into our designed purpose.[13]

The director of a technical institute was quoted as stating that his institute and a few similar nonprofit institutions "are alone in the technical and trade areas since others operating in this area are profit-making.... As far as we can ascertain there is no recognized accrediting agency for institutions like ____."[14]

Many respondents were not enamored of the idea of institutional approval or eligibility which could conceal or condone inferior courses. "There are Universities that have such poor facilities and staff in certain programs that the programs could never be approved standing alone," wrote Robert Van Tries, Assistant Commissioner of the Minnesota Department of Education. "Because they are a part of a larger powerful organization, [regional] accreditation would never be denied. This doesn't do much for the person who registers in one of the poor programs."[15]

Respondents noted the traditional emphasis of regional commissions upon academic programs and their disregard or disparagement of vocational programs; the inability of a visiting team to evaluate satisfactorily all of an institution's programs and their relative ignorance of local factors known to state authorities; the five or ten year intervals between visits, when great changes can occur; and the excessive time allowed to rectify breaches in accreditation standards. Accreditation costs were "prohibitive" to some small institutions"; new colleges were not eligible for some years. "Accreditation is not a guarantee of probity because there is not sufficient contact with each institution to guarantee it." "There have been enough instances of apparent fiscal mismanagement to question this aspect." "We find a lack of integrity in the failure of some colleges to count attendance or report the non-attendance of veterans certified as enrolled. This is especially true in a few of the public community colleges."

Though a count of responses shows a fairly even division of opinion about the value of proprietary school accreditation as a test of educational quality and probity and a condition of federal eligibility (Table 9), few favorable opinions but many criticisms were elaborated at length. The net impression conveyed was of the weaknesses rather than the strengths of proprietary school accreditation.

On the positive side, it was said that these agencies "have good standards and re-check their schools at regular intervals"; they "check financial stability"; "most...schools accredited are good schools"; "I assume certain standards must be met before a school is accredited"; "...accreditation may tend to keep the schools alert to current practices in instruction." That was the extent of the praise sprinkled on accredited proprietary schools and their agencies.

Criticism was showered on them. "Some...appear to be more of a self-seeking organization...than an organization designed primarily to insure quality education." "...the accrediting agency is a self-serving entity established to satisfy that requirement which certain school organizations sold to Congress as being the only method of determining eligibility....these agencies cannot possibly police the schools they have listed as accredited." "The...agencies are too far from the 'scene of the crime'....Generally their published educational standards are good however their existence on paper does not get the job done." The associations (regional as well as proprietary school), Robert Van Tries wrote, are "monopolies" and "semi-secret membership clubs." The director of veterans approvals in a major industrial state charged that "Some [proprietary school]... agencies...have used the authority given them by the several federal statutes to work counter to state requirements. The 'big club' [of eligibility]...tend[s] to favor larger schools operated by big corporations or conglomerates to the detriment of good, small...ownerships."

"...Just because the school is accredited, it does not mean that the school is more financially stable or offers more educationally sound training than non-accredited schools. We have seen many kids 'stuck' with student loans after the accredited school has closed its doors." "These schools are businesses and income will be protected at any cost." "The educational quality in these schools would not even be known without frequent physical inspections because it changes overnight." "Accreditation is not usually withdrawn until the institution has collapsed." "We have far more complaints regarding accredited proprietary schools than non-accredited schools...." "Institutions with 'money to burn' can sometimes buy their way into accrediting organizations." "Accreditation, as it occurs now, is meaningless."

The head of one approving agency wrote:

> During visits to schools approved for veterans or certificated under [state law]...we have found, particularly in schools accredited by the Association of Independent Colleges and Schools, unqualified instructors, overcrowding, disproportionate drop-out rates, unsupervised "study halls" during scheduled class hours, poor scheduling, inadequate monitoring of student progress, and other indicators of inferior educational quality.

The director of another approving agency stated:

> 1. We have seen schools accredited when it was a generally known fact that the school was in financial difficulty.
>
> 2. There appears to be inconsistency...as to the application of the accreditation process and standards among different schools....
>
> 3. ...it appears that there may be a "vested interest" on the part of some of the team leaders who are owners of other accredited schools as the accreditation [of]...another school may assist [them] ...in holding down...the total bill for the operation of the accrediting agency....
>
> 4. There is completed lack of cooperation with state agencies, at least in our case, with regard to AICS although the spirit of cooperation runs to the other end of the scale particularly with regard to the NHSC.

> 5. ...we have noted insufficient and superficial evaluation visitations to many schools over the years. We have experienced school evaluations that lasted merely a half day.

This official amplified his comments in a telephone conversation. Some of the "three primary accrediting agencies," he insisted, "do a... lousy job....In some cases, the subject area specialist was on the site for perhaps an hour or an hour and a half." An accredited school was not necessarily any sounder, educationally or financially, than an unaccredited one. This was unfortunate, because, properly conducted, accreditation could set national norms to be emulated by the states.

Eligibility Alternatives

Given such sentiments, these officials were not inclined to rely on institutional accreditation to determine eligibility for any federal program, and even those with a good opinion of accreditation were not inclined to rely on it exclusively. To do so would, of course, eliminate a major reason for the existence of approving agencies and remove a major source of their power. Insofar as use was made of accrediting agency determinations, the agencies should, it was suggested, be subjected to stricter governmental regulation, sweetened, perhaps, by grants. "...the USOE should provide...sample guidelines for use by all associations....[which] should receive some grants from USOE. This would remove heavy...fees and open up the avenue to smaller schools [becoming accredited]...."

To our question about alternative means of rendering schools eligible, most respondents had a concise answer: state education departments or approving agencies. It was suggested that state bodies should be recognized as accrediting agencies on the commissioner's list or that the "word 'public'...should be deleted from the Mondale amendment"--i.e., that state agencies be authorized to determine the eligibility of private as well as public vocational schools.

Discussion

Our respondents live daily with the problems of accredited proprietary schools and most of their criticisms are probably correct. None, however, considered the responsibility which they and/or other state officials bear for these problems. For it is the state governments which give all schools and colleges license to exist and which have the power to regulate their operations or, if they choose, to exempt them from licensure and regulation. Hence, state officials may be excused responsibility for the sins of public, nonprofit, or for-profit schools only if state politicians and legislators have rendered them powerless. But if officials with power have been unable to discipline unruly schools, while those without power have been unable to act at all, it is hard to share our respondents' confidence in the efficacy of state regulation and eligibility determinations.

Spokesmen for the maligned accrediting agencies respond in kind to approving agency criticism. "They're real hacks--the Court House crowd," says one. The real reason more states do not approve accredited schools under Section 1775, he adds, is the mileage allowance staff get for the inspections entailed under Section 1776--"Have you ever seen their salaries?" Another (the owner of a proprietary school and much involved in his state's regulation of them) remarks ruefully that "The V.A. is concerned about the minutes that a student comes late--not the 55 minutes that he spends in class."

OE spokesmen are hardly more charitable. "The V.A. approving process consists of going to some schools twice a year as a sort of social visit.... But at times, in new programs, the V.A. will hire consultants and do a good job." "...we get more help from accrediting agencies than from the state V.A....we can't rely on them. We've tried and given it up." "In [two] important states], after we have relayed complaints to V.A. approval people, we have finally got word back that we will have to carry the ball ourselves, the implication being that they were stopped...by politicos." A high V.A. official, it was said, had himself taken the position that state approving agencies should be dropped, but "so much heat" developed that the position, not the agencies, was dropped.

As OE and proprietary school agencies have been engaged, if not in open warfare, at least in clandestine operations against hostile approving agencies, their opinions might be discounted. However, they are shared by qualified independent observers with no love for either OE or the accrediting agencies. "The V.A.," one federal official remarked, "is even worse than HEW, because it is staffed by veterans who have no competence whatsoever. They don't know what they are doing. [A V.A. official] told me that he had frankly given up--that it was a hopeless situation, full of nepotism." Ralph Nader writes that the V.A. "has poured billions into educational training without seeing that the career, correspondence, vocational or other schools adhere to standards worthy of the young veterans."[16]

"From the data presented," Charles Ward concludes, "it is apparent that the function of the Veterans' Administration is in fact administrative and not evaluative....approval of 'accredited courses' is for the most part a formality. Criteria for 'nonaccredited courses'

...pertain more to the administrative aspects of an institution than to the educational aspects."[17] A recent study by the Educational Testing Service concludes that "there remains more than a suspicion that the State Approving Agencies are not an effective means of insuring the quality of educational performance that is necessary to protect the veteran."[18] "...for those of us in vocational counseling," Kenneth Hoyt declares, "the phrase 'Approved for Veterans' has come to be an almost meaningless one in terms of judging quality of an institution." Adding insult to injury, he goes on to recommend that V.A. approval be "limited to institutions accredited by agencies recognized by the U.S. Office of Education."[19]

And thus we circumscribe another circle of fact and opinion on private accrediting, governmental regulation, and federal eligibility.

Notes

1. Report on Education and Training Under the Servicemen's Readjustment Act as Amended, House Committee on Veterans Affairs, 81st Congress, 2nd Session, Feb. 8, 1950, p. 46.

2. Boyd A. Finch, History of the National Association of State Approving Agencies, The Association, Charleston, W. Va., 1961 (mimeographed).

3. House Doc. No. 466, 81st Congress, Second Session, 1952, p. 2.

4. See House Select Committee to Investigate Educational and Training Programs under the GI Bill, Hearings, 81st Congress, 2nd Session, 1951. Also House Committee on Veterans Affairs, U.S. General Accounting Office Report of Survey--Veterans Education and Training Programs, Hearings, 82nd Congress, 1st Session, 1951.

5. In House Report 1375, House Select Committee to Investigate Educational, Training, and Loan Guaranty Programs Under GI Bill, 82nd Congress, 2nd Session, February 14, 1952, pp. 66-7.

6. Ibid., p. 221.

7. Sar Levitan and Joyce Zickler, Swords into Plowshares, Olympus Publishing Co., Salt Lake City, 1973, p. 90.

8. April 19, 1974 letter from Robert P. Van Tries, Assistant Commissioner, Divison of Vocational-Technical Education, Minnesota Department of Education.

9. Letter, April 2, 1974.

10. Educational Benefits Available for Returning Vietnam Era Veterans, Hearings, Senate Subcommittee on Readjustment, Education and Employment, 92nd Congress, 2nd Session, March 23, 1972, Part II, p. 1237, and April 2, 1974 letter from Marvin P. Busbee, Chief Supervisor, State Approving Section, Department of Education, South Carolina. According to one study, the U.S. Office of Education provided 40 percent of the administrative costs of the state departments of education (Jerome T. Murphy, Grease the Squeaky Wheel, Center for Educational Policy Research, Harvard University, 1973, Appendix D, Table 3).

11. See Most Veterans Not Completing Correspondence Courses --More Guidance Needed from the Veterans Administration, Report to the Congress by the Comptroller General of the United States, March 22, 1972, p. 4.

12. The rebuke came in a December 4, 1972 talk to a St. Petersburg, Florida, regional meeting of the National Association of State Approving Agencies. Nooner complained that 80 percent of certain forms submitted to V.A. headquarters were defective and urged the agencies to do better.

13. Quoted in The Role of State Approving Agencies in Veterans Education, National Association of State Approving Agencies, May 1, 1972 (offset), pp. 4-5.

14. Ibid., p. 5.

15. Robert P. Van Tries, Assistant Commissioner, Division of Vocational-Technical Education, Department of Education, State of Minnesota, September 19, 1973 letter to Harold Orlans.

16. Ralph Nader, "Introduction," Paul Starr with Jim Henry and Ray Bonner, Troubled Peace, An Epilogue to Vietnam, The Nader Report on Vietnam Veterans and the Veterans Administration, Center for Study of Responsive Law, Washington, D.C., 1973 (preliminary draft).

17. Charles F. Ward, *The State of Accreditation and Evaluation of Postsecondary Occupational Education in the United States*, Center for Occupational Education, North Carolina State University at Raleigh, 1970, p. 140.

18. *Final Report on Educational Assistance to Veterans: A Comparative Study of Three G.I. Bills* (Conducted by the Educational Testing Service, Princeton, N.J...), Submitted to the Committee on Veterans' Affairs, U.S. Senate, 93d Congress, 1st Session, September 20, 1973, p. 285.

19. Kenneth B. Hoyt, "Career Education and Career Choice: Implications for the V.A.," address to the Veterans Administration National Task Force on Education and the Vietnam Era Veteran, Washington, D.C., February 8, 1972 (offset).

I. The Guaranteed Student Loan Program

Summary

Guaranteed student loans affect more students and postsecondary institutions than any other program which relies mainly on accreditation to determine institutional eligibility. The program employs alternative means to render unaccredited colleges and public vocational schools eligible but relies exclusively on accreditation for private vocational schools. Unfortunately, accreditation has not sufficed to protect the student and government dollar which has been taken by numbers of unscrupulous accredited proprietary schools for services not rendered. OE has been unconscionably laggard about ejecting such schools from the program under powers it received in 1972 and, in general, has done far too little to protect students. HEW officials help educational "consumers" to get loans, but insure bankers, not students or taxpayers, against subsequent loss. Accreditation does not protect the student's interests adequately or, in too many cases, at all. Separate efforts must be mounted to that end.

"We will chase the rest to their graves to collect if necessary."

Federal bill collector pursuing
student loan defaulters.

"I became convinced that the schools were substituting the selling of student loans instead of educational programs as a means of soliciting students."

Contrite president of a corporate
school chain.

"I would have put the school into bankruptcy but this would have meant the loss of its accreditation, thereby ending the eligibility of students for government loans and grants. This would have closed the school."

Financial adviser to a secretarial
school that had lost its license
but still retained its accreditation
and, hence, its eligibiltiy for
insured loans, which most of its
students held.

Nature of The Loan Program

The Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965 joined the federal government, seventeen existing state guarantee agencies, and the nonprofit United Student Aid Fund in a program to insure private loans to students at a maximum 6 percent interest rate and provide federal interest subsidies to those with adjusted family incomes of under $15,000. The Higher Education Amendments of 1968 merged the two acts and raised the permissible interest to 7 percent. The 1965 and 1968 acts were designed to encourage the states to establish adequate student loan programs, to reinsure these state loans, and to provide federal loan insurance for students or lenders who lacked reasonable access to another program.

The Emergency Insured Student Loan Act of 1969 authorized the government, on loans made after July 1969, to pay a special allowance of up to 3 percent to lenders in addition to subsidized interest charges whenever market conditions warranted additional incentives. As of December 1972, the government had paid $50 million in such special allowances. The Education Amendments of 1972 increased the maximum annual loan to $2,500 and stipulated that before a student could qualify for an interest subsidy, the school must provide the lender with a recommended loan amount, after considering expected family contributions and other financial resources. The "needs" test, implemented in March 1973, applied to all students applying for subsidized loans, regardless of their family income.

The stated objective of the guaranteed loan program is to help any student, regardless of family income, to finance his postsecondary education with guaranteed loans from authorized lenders. In January 1973, there were 19,359 eligible lenders, including banks, savings and loan associations, credit unions, insurance companies, pension funds, and 208 educational institutions which lent to students directly. The statistics can be deceptive, because some lenders count each participating branch separately. The Bank of America had 800 separately registered branches which were later consolidated to 70.

Students can borrow money to attend a college or university; a hospital school of nursing; a postsecondary trade, technical, business or correspondence school; or a foreign school. The program, administered by the Office of Education, has two components: one is state or private and the other, federal.[1] Both enable eligible students to obtain loans of up to $2,500 per academic year--the ceiling and other conditions may vary among states. Until enactment of the Education Amendments of 1972, the total could not exceed $1,500 an academic year or an aggregate unpaid principal of $7,500. Thereafter, the yearly ceiling was raised to $2,500 and the aggregate unpaid principal to $10,000 for graduate and professional school students (including their undergraduate loans).

A student obtains an application from a participating lender, school, state or private guarantee agency, or HEW regional office. While procedures vary among states, generally he enters personal and financial data and submits the form to an eligible school. This certifies additional data, verifies enrollment, and, for students applying for federal interest benefits, submits to the lender its recommendation for a subsidized loan based on its assessment of the student's family finances. After determining the amount it will lend, the lending institution transmits the papers to the HEW regional office or a state or private guarantee agency to be insured. Lenders may then disburse the sum either to the student or the school for credit to the student's account.

Subject to evidence of due diligence, the government reimburses all losses or defaults in the direct federal program and 80 percent of those in perticipating state or private programs. It pays interest subsidies and special allowances to lenders for certain students. To qualify for interest subsidy, a student's family must have an adjusted gross income of less then $15,000. Until 1968, a federally subsidized 3 percent interest contribution continued for the life of the loan. Subsequently, all borrowers paid the full 7 percent interest, once out of school. In the first seven years, the government spent about $550 million in interest subsidies. Students above the $15,000 limit pay interest while in school and during the 9 to 12 month grace period after leaving school. Loans must be repaid at an annual rate of at least $360 and must be fully repaid 5 to 10 years after repayment begins. Repayment may be deferred up to three years for service in the military, VISTA or the Peach Corps or for any period of full-time study at an eligible insitituion.

From 1966 through 1973, students received 6.1 million loans totaling $6 billion. Annual loan volume rose from $77 million in FY 1966 to $686 million in 1969 and $1,302 million in 1972. Participation in the direct federal program grew from $67 million or 15 percent of the annual volume in FY 1968 to $217 million or 32 percent in 1969 and $708 million or 54 percent in 1972 (Table 1).

Table 1

Guaranteed Student Loan Volume
Annual and Cumulative, 1966-73

Fiscal Year	Federal	Guarantee Agency	Total	Percent Federal
	Annual volume (thousands)			
1966	-	$ 77,492	$ 77,492	-
1967	-	248,494	248,494	-
1968	$ 66,555	369,293	435,849	15
1969	217,607	469,069	686,676	32
1970	353,788	485,878	839,666	42
1971	483,899	560,035	1,043,934	46
1972	708,164	593,414	1,301,577	54
1973	654,616	543,907	1,198,523	55
1974	611,657	527,522	1,139,179	54
	Cumulative volume (thousands)			
1966	-	$ 77,492	$ 77,492	-
1967	-	325,986	325,986	-
1968	66,555	695,280	761,835	9
1969	284,162	1,164,349	1,448,511	20
1970	637,950	1,650,226	2,288,177	28
1971	1,121,849	2,210,261	3,332,110	34
1972	1,830,013	2,803,674	4,633,687	39
1973	2,484,629	3,347,581	5,832,210	44
1974	3,096,286	3,875,103	6,971,389	44

Source: Statement by Commissioner of Education T.H. Bell before the Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, September 18, 1974

In some six months of fiscal 1972, proprietary school students were responsible for about 75 percent of the default claims in the federal program, though accounting for only 31 percent of the cumulative loan volume as of November 1972 (these figures represent hand tabulations subject to considerable error). In fiscal 1974, proprietary schools accounted for 57 percent of the default volume and 39 percent of the loan volume. Low income students have evidently accounted for most of the high default rates in three state programs examined in this study--New York, Illinois, and Texas.

When a student takes out an insured loan, he may assume that, as the government has certified the school he will attend to be "eligible," it has also certified it to be educationally and financially "sound" or "reliable." However, the Office of Education has, in fact, made no such determination but rather relied upon the intermittent determinations of recognized accrediting agencies and, in certain cases, state agencies. In the fall of 1973, the Office had 22 collectors to track down students who default on their payments, but it had done little to track down or require an accounting from the school officials who may be responsible for many defaults. Only in the fall of 1974, two years after receiving aurhority to do so, did it issue draft regulations designed to limit, suspend, or terminate a school's eligibility.

Students seeking loans must attend an eligible institution at least half-time; some states require full-time enrollment. To become eligible, the institution must establish that it is accredited by a recognized accrediting agency or meets one of several alternative conditions.

An unaccredited, degree-granting institution can become eligible by demonstrating preaccreditation status with a regional accrediting association or the acceptance of transfer credits by three regionally accredited institutions.

Unaccredited schools of nursing awarding associate or higher level degrees can become eligible if approved by one of seven state agencies recognized by the commissioner for this purpose, upon a finding by staff and an advisory committee that they have met designated operational criteria.

The Higher Education Act, as amended in 1968, defines eligible non-degree vocational schools as those which are legally authorized, admit as regular students only persons "who have completed or left elementary or secondary school. . . who have the ability to benefit from training . . . for useful employment in recognized occupations." They must have been in existence for two years and be accredited by a recognized agency or by the commissioner (a power he has used rarely and then only to waive the two year requirement). Those in geographic or vocational areas lacking a recognized accrediting agency (because the regional association does not accredit public or nonprofit vocational schools or because no national agency is recognized to accredit for-profit schools in that field) have been rendered eligible by the commissioner on an interim basis. This was done on the recommendation of an advisory committee which, not wanting to make individual school determinations, extended eligiblity to classes of schools until five years after accreditation would become accessible to them by the commissioner's recognition of a suitable regional or national accrediting body.

Under this procedure, eligibility was extended in 1969 to some 500 public area vocational schools listed by state agencies for participation in the 1963 Vocational Education Act. Eligibility was extended to about 750 for-profit trade, flight, aeromechanic, barber, and cosmetology schools licensed by states found to meet criteria enunciated for this purpose. After the National Association of Trade and Technical Schools and the Cosmetology Accrediting Commission were recognized by the commissioner in 1967 and 1970, respectively, schools which had been rendered eligible in this manner were notified that they must gain accreditation in five years or lose their eligibility.

In December 1972, some 7,670 domestic and 600 foreign institutions were eligible to participate in the guaranteed loan program. The eligibility of the foreign institutions was determined by OE staff after consulting office specialists in international education and, when necessary, private authorities and members of U. S. and foreign embassies.

The 7,670 domestic institutions included some 3,700 which granted associate or higher level degrees and 3,970 which did not. Of the 3,700 degree-granting institutions, about 1,000 were hospital schools of nursing or allied health rendered eligible by approved state agencies or by reason of accreditation by such nationally recognized agencies as the American Medical Association and the National League for Nursing. The remaining 2,700 were junior colleges, colleges, and universities: 75 percent were eligible by reason of regional accreditation; 15 percent, by holding a preliminary status with a regional association; and 5 percent, by submitting letters establishing that three regionally accredited institutions had accepted credit awarded to their students. The remaining 5 percent were most likely eligible by virtue of their public status or their accreditation, as free-standing professional schools, by specialized accrediting agencies.

As for the 3,970 postsecondary schools awarding certificates or diplomas, but not degrees: some 2,620 were accredited and 1,350, unaccredited. The accredited schools included about 1,400 for-profit and 1,200 public and nonprofit schools (almost 1,000 of which were hospital schools of allied health accredited in collaboration with the AMA). The unaccredited schools included about 855 public area and 495 for-profit vocational schools. The number of eligible, unaccredited for-profit schools will decline and ultimately disappear as OE policies requiring accreditation as a condition of their eligibility take full force. The future of the unaccredited public vocational schools is less clear. They may gradually become accredited as the regionals increase their activities in the vocational field--over 120 such schools have already been accredited by the Southern Association Commission on Occupational Education Institutions. Alternatively, they may resist and even foresake regional accreditation, as the opportunity to gain eligibility for federal student aid by OE recognition of state agencies has been opened up to them under the so-called "Mondale Amendment" of 1972.

Problems with School Lenders

Some 200 schools have obtained federal insurance contracts and become direct lenders, in part to escape residency or school restrictions in state programs. (Most states guarantee only loans to state residents; Louisiana, only loans to residents attending in-state schools; some states stipulate full-time enrollment; some restrict loans to those with adjusted gross family income of under $15,000.) Direct lender schools can lend to half-time, poor-risk, low-income students whom banks may be reluctant to serve; and their ability to offer loans together with education can be advantageous in recruiting.

Of the 208 schools qualified as direct lenders in December 1972, 99 were nonprofit universities and colleges including such ivy league schools as Harvard, Yale, Princeton, and Dartmouth, and well-known colleges like Reed, Antioch, Carleton, Occidental--and Parsons College, Iowa, of Millard Roberts fame. Thirteen were state universities, including the Universities of Virginia, Illinois, Michigan, Minnesota, Wisconsin, and Missouri. Of the foregoing 112 institutions, 107 were regionally accredited, 4 held candidate or correspondent status, and one--the Northeastern Collegiate Bible Institute in New Jersey--had no regional standing.

The remaining 96 institutions were proprietary schools: 72 were accredited by the business or trade and technical school accrediting agencies, and 22, by the home study or cosmetology agencies; 2 unaccredited aeromechanical schools were rendered eligible directly by Office of Education staff.

These 208 institutions, plus four insurance companies and pension funds whose loan volume has not, unfortunately, been determined, accounted for $759 million or 14 percent of the $5.4 billion loaned under the federal program up to December 1972.

Congress probably had endowed institutions in mind when it authorized direct school lending, and certainly they were the institutions which the American Council on Education representative had in mind when the legislation was being drafted. The headaches which some proprietary school lenders have caused under that provision could hardly have been anticipated.

Initially, schools requesting authority to act as lenders were issued contracts of insurance without any examination of their financial standing or administrative arrangements. One source attributed this unaccustomed disregard of normal bureaucratic paperwork requirements to an informal opinion by HEW counsel that OE had no authority to subject these applications to a meaningful review, which might have required the disclosure of confidential financial information.

Problems soon emerged among two types of proprietary school lenders: small schools inexperienced at large scale financial management; and large corporations which saw student loans as a source of virtually unlimited, risk-free growth capital.

Lacking the cash to cover operations which expanded rapidly with the ready availability of loans, some schools sold student notes at a discount to other lenders, or employed brokers to get them loan funds in the first place. Since October 1970, both practices have been prohibited, because they channel money to students in particular schools which gain an unfair advantage over competitors and becaause the cost of these transactions are apt to be transferred to students in higher tuition.

The implications of unregulated chain-school lending are dramatized by an examination of thirteen home study schools (nine, direct lenders) enrolling 99 percent of all home study borrowers. In 1970, 5,744 of their students had loans; in 1973, 246,631. The $91 million borrowed by students at these schools in 1972 represented 9 percent of all guaranteed loans in that year and 30 percent of all loans to students at vocational schools participating through the federal program. Three lender schools disbursed $81 million (Table 2).

Since loans have risen so sharply, only a fraction of the cumulative volume has yet fallen due, but some of the delinquency rates on earlier loans are ominous: as of June 1972, they were 24 to 45 percent at four large home study schools.

Statistics on the loan volume at chain schools can be misleading, because, to increase loan-processing efficiency, several chains handle all of their loans in a consolidated manner. Thus, a corporation owning five schools, one of which is an authorized lender, may direct students at the other four to obtain loans through the lender school.

Table 2

Guaranteed Loan Volume at Three Correspondence Schools, 1970-72

Fiscal Year	Correspondence School			
	A	B	C	Total
	Number of Students Enrolled with Loans			
1970	1,209	2,663	1	3,972
1971	17,360	11,196	1,514	30,070
1972	62,655	27,347	16,227	106,229
1973*	80,891	69,934	50,906	201,731
	Annual Loan Volume (thousand dollars)			
1970	$ 3,714	$ 3,735	$ 110	$ 7,559
1971	28,310	11,251	3,182	42,743
1972	41,939	24,221	14,404	80,564

* As of April 1973; data on the loan volume for 1973 were not yet available.

Source: Division of Insured Loans, U.S. Office of Education.

In 1972, Illinois led all states in its loan volume; 95 percent of the federal volume in that state came through for-profit schools, particularly correspondence schools, historically concentrated in the Chicago area with its central transportation facilities.

Contrariwise, Advance Schools, which some call the Cadillac of correspondence schools, whose loan volume jumped from $4 million in 1970 to $42 million in 1972, has claimed only $1,400 (sic) in defaults. This family-owned business training radio, TV, appliance, and refrigeration repairmen employed 600 salaried, not commissioned, salesmen and offered pro-rata tuition refunds. Relatively few of its students were poor; most were married and a third were enrolled as a result of personal referrals. Almost 90 percent of students were financed under the loan program; 70 percent received veterans' benefits, thereby reducing their risk as borrowers (the VA pays 90 percent of correspondence course tuition). The unusally low declared default rate at Advance Schools was attributable to the high proportion of veteran students, pro-rata refunds, and a policy of asking the government to reimburse only defaults arising from death, disability, or bankruptcy. The school has vigorous collection procedures to limit delinquencies. According to Advance Schools officials, only a few of the 18,000 students who graduated from January 1969 to August 1972 failed to honor loan commitments, and they were handled by the school. OE staff approve the school's policy, believing Advance Schools to be a first-class operation.

Defaults plague some colleges, particularly two-year colleges (Table 3). The Illinois experience shows that default rates can be as high or higher at accredited as at unaccredited proprietary schools, and that the default rates of a few schools can markedly skew the rates

Table 3

Illinois Loans and Defaults, by Type of School, 1972

Type of School	Schools	Number of Students with Loans	Number of Students with Matured loans[a]	Number of Students with Defaulted loans[b]	Percent of Students with Matured loans	Percent of Students with Defaulted loans[c] A	Percent of Students with Defaulted loans[c] B
Total	290	81,486	32,786	2,006	40.2	6.1	4.8
Professional schools	?	1,480	438	11	29.6	2.1	
Four-year institutions	85	67,105	27,138	968	40.4	3.6	
Public	17	46,804	19,100	656	40.8	3.4	
Private	68	20,301	8,038	312	39.6	3.9	
Two-year colleges	54	7,013	2,222	311	31.7	14.0	9.9
Public	48	5,677	1,699	180	29.9	10.6	
Private	6	1,336	523	131	39.2	25.1	6.5
Hospital schools of nursing	41	790	282	2	35.7	.1	
Allied health schools	31	92	42	3	46.7	7.1	
Private vocational schools	79?	5,006	2,664	711	53.2	26.7	12.4
Trade and technical	21	2,933	1,691	592	57.7	35.0	12.5
Accredited by NATTS	6	2,610	1,589	587	60.9	36.9	13.3
Unaccredited	15	323	102	5	31.6	4.9	
Business	?	1,212	661	62	54.5	9.4	6.0
Accredited by ACBS	13	1,079	596	62	55.2	10.4	6.9
Unaccredited	?	133	65	0	48.9	.0	
Cosmetology	45	861	312	57	36.2	18.3	
Accredited by CAC	21	228	107	19	46.9	17.8	
Unaccredited	24	633	205	38	32.3	18.5	

a. Repaid, in repayment, or subject to repayment.
b. Defaults due to death and disability excluded.
c. Percent of students with matured loans who have defaulted.
A. All schools included.
B. Excluding one school with the highest default rate.

Source: Carol Wennerdahl, Illinois Guaranteed Loan Program; data cumulative through Jan. 1, 1972 except for number of schools which is given as of January 1, 1973.

for a given type of school (Table 3, Column B). The concentration of defaults at proprietary schools and public colleges enrolling large numbers of unsophisticated, low-income black students is also suggested by the experience of the New York Higher Education Assistance Corporation, which will be noted subsequently.

Exploiting the Gullible

Some of the reasons for the high default rates at certain proprietary schools can be learned from a report prepared by a joint inspection team representing the Office of Education and the Accrediting Commission for Business Schools which visited three accredited corporate chain schools in Texas in June 1971. The three were selected from sixteen southwest schools with dropout rates of 15 to 60 percent in 1969. To OE staff, this suggested "unacceptable patterns of recruitment and educational training."

OE staff are concerned with dropout rates because, according to loan regulations, if a student never attends a given school, "the purpose of the loan has been frustrated and the lender should declare the loan immediately due and payable. The grace period and the 5-10 year repayment period do not apply. The student must make arrangements to pay off the balance immediately, including any interest benefits paid on his behalf."

Of the 1,560 students at the three business schools who had received loans in the sixteen months from September 1969 through December 1970, 886 had withdrawn. The team concluded that while many students left school because of "early job procurement, military service, marriage and moving to other cities, the major cause for the 56.8 percent withdrawal rate was deficient operations and conditions in overall school curricula, facilities, recruitment, instruction, management, and administration."

Substandard facilities, curricula, equipment, and student services contributed to the high withdrawal rates. School records on enrollments, placement, attendance, withdrawals, and finance were faulty and incomplete and did not meet the requirements of either HEW or ACBS. High school transcripts were missing in over half of the files inspected. Placement information was available in less than 10 percent of the cases. Some schools had no student counseling records. Students determined class assignments without knowing their proper sequence or the requirements for future jobs. Gross inconsistencies arose between the period of attendance and the proportion of course completions.

Some of the deficiencies contributing to the high dropout rates were acknowledged by company management. In a March 1971 letter, the head of the corporate school chain wrote:

> . . . during May 1970 I found it necessary to change the top management of [our] . . . business school division because I became convinced that the schools were substituting the selling of student loans instead of educational programs as a means of soliciting students....I also inaugurated a pre-enrollment testing program...[to weed out] potential drop-outs....[and] a pre-enrollment questionnaire... [to find out] if students were being solicited in unethical ways....

When the guaranteed loan program was instituted, the review team observed, "salesmen who had struggled for years with limited or non-existent student financing programs now had an almost 'carte blanche,' open-ended, unrestricted source of low-interest, immediately available funds for their prospects. The natural and logical reaction was to oversell." Apparently, students were sold the "longest and most expensive course first" by salesmen working on commission; they were not seriously screened, tested or counseled to see if they were qualified for courses.

Local banks had "not been making proprietary school student loans for more than one year due to unhappy experiences with uncooperative borrowers." Nonetheless, 85 percent of the students at the three schools managed to get loans from more distant banks, though local bankers anticipated a 75 percent default rate from their former borrowers.

Their fears were warranted. In August 1972, Leo A. Hatten, insured loan program officer for the region, sent letters to eleven LTV (Ling Tempco Vought) schools directing attention to their high default rates: "of the 4,020 claims we have to work [in the region]...2,905...or 60% are from the 11 LTV schools."

The Link Between Tuition Refunds and Loan Defaults

Tuition refund policy appears to be a key link between high dropout and high default rates. A borrower who drops out of school is contractually obliged to repay his entire loan within 9-12 months. Failing to obtain what he deems to be an adequate or timely refund of his tuition, he may be unable or unwilling to do so. Another type of borrower completes his course of study but then stops payments because he feels that he did not really learn anything or that he did not get a job he had been led to expect.

Many proprietary schools will give a dropout some refund on the balance of his tuition, whereas colleges and universities may maintain a "no-refund" policy once a student registers. However, it can be difficult for a student to extract a refund from certain proprietary schools by his own efforts; his complaints can be brushed aside until counsel is retained or the complaint is brought to the attention of government officials. Fewer dropouts occur in the midst of college semesters. As proprietary schools start courses at weekly or monthly intervals, their student body churns over constantly, and students may drop out more readily without fully appreciating the extent of their contractual commitment.

One troublesome, if infrequent, cause of loan defaults occurs when a school loses its eligibility for loans, as was the case with Riverside University of Riverside, California. A business college accredited by the Accrediting Commission for Business Schools, Riverside subsequently opened a law school and held itself out to be "accredited" without noting that its accreditation applied only to the business college--or that the Western Association of Schools and Colleges had thrice rejected its application.

In 1970, Riverside came under state and federal investigation and some of its shorthand reporting students filed suit for damages for false and misleading representations. They refused to pay their loans, complaining that they were promised a curriculum which would qualify them to be court reporters in eighteen months.

> Generally the student...would be admitted without any inquiry into...her past academic record.... the type of student that was attracted to the University was one which was employed and married and had insufficient funds and educational background to be admitted to an accredited...college ....most of the students complained that at the time they were accepted for admission...they would be asked to sign a Power of Attorney in blank form....[which] the University would utilize...to obtain the educational checks...and the students would never receive the student loans in the average amount of $1200....it was...represented to the students that they would be certified as a shorthand reporter on graduation. Nothing could be further from the truth....not one person who had fully completed the court reporting course at Riverside University had ever passed the California examination.[2]

Riverside officials were advised repeatedly that only business school students were eligible for loans. Nevertheless, students enrolled in ineligible programs obtained loans by being registered in the business school. The school submitted loan applications months before students enrolled. For example, student Helaine Rampley was accepted in January 1971 and then applied for a loan. The lender, U. S. Life and Savings and Loan, sent Riverside a check for $1,500 in February, even though the student was not planning to register until the following November and actually never did.

Despite such gross breaches of OE regulations by Riverside officials, these loans were apparently binding on the students and constituted legally enforceable debts (though there was a difference of opinion on the point within OE). When OE staff learned of the situation, they stopped the flow of federal funds, even while the business school remained accredited. In late 1971, Riverside was closed by the California attorney general, thereby finally ending its eligibility; but banks still pressed the stranded students for repayment. The situation might have been worse, for it was rumored that the school might close and the records be destroyed; the state got a court-appointed trustee to preserve the records and run the school until the end of the year.

William Simmons, Jr., director of the insured loan program, answered an inquiry from Congressman Jerry Pettis about the students' plight:

> The participation of Riverside University . . . was based upon its compliance with the statutory elements of eligibility...[and] accredited status with the Accrediting Commission for Business Schools. . . . It is indeed unfortunate that the unsound financial condition and the employment of questionable practices at the institution were not brought under the scrutiny of ACBS in time for that body to have removed the school's accreditation. Allowed to proceed with its

> program involvement to the point of collapse, the college undoubtedly has created problems for some students. . . .
>
> While we sympathize with [their] . . . plight, there is no provision in the Federal Insured Student Loan Program to absolve a student/borrower of his obligation to repay in the rare instances where he chooses to invest the proceedings of his loan in a school which fails. . . .

We have seen other letters written in response to Congressional and White House inquiries about students victimized in the Riverside affair that show OE officials in an even worse light. They said, in effect, that, under the law (they did not say, as meekly administered), a Spanish-American inveigled into signing a contract she could not read for education at a school she never entered was nonetheless obligated to repay the full amount of a loan she never personally received but authorized the lender to disburse. No matter that she received not a penny refund; no matter that the school went into bankruptcy and the owners were found guilty of fraud: the law and the brave U.S. Office of Education protected the bank's money and the Treasury's, not the student's.

Small wonder that, in December 1973, California Republican Congressmen Pettis and Alphonzo Bell joined in introducing a bill, the "Postsecondary Education Consumer Protection Act of 1973,"

> ...to provide protection for students, consumers, and legitimate postsecondary educational institutions against substandard or fraudulent practices, to provide compensation for losses of Federal financial assistance by way of loan or loan insurance because of the insolvency of eligible institutions, and to provide for improvement in the quality of postsecondary education, by strengthening the process by which postsecondary educational institutions gain eligibility for funding status.
>
> ....The Congress finds that--
>
> ....eligibility...has sometimes been misrepresented by institutions as amounting to direct accreditation or approval by the Federal Government...;
>
> ...such misrepresentation has sometimes induced students to enroll in a particular education program...; and

> ...the Nation has suffered substantial losses of human, financial, and educational resources because of the unethical actions of some administrators, recruiters, and other persons associated with eligible postsecondary educational institutions.[3]

Federal administrators are engaged in an effort to control the surge of student defaults which could threaten the entire loan program or produce severe restrictions on the participation of proprietary proprietary schools. A large proportion of paid-out defaults involved proprietary school students. This painful fact could lead to painful consequences, as Congressman John Dellenback warned the June 1973 annual meeting of the National Association of Trade and Technical Schools in Los Angeles, in an address that was otherwise full of praise for their good work.[4] In fiscal 1972, vocational school students received 36 percent of all federally insured loan funds, and the proportion has been rising, with some puzzlingly sharp variations in nearby states. Thus, in Georgia and Tennessee, 51 and 46 percent, respectively, of new loans went to students in proprietary schools; in Mississippi, only 3 percent. Some of the incidence of defaults may reflect the fact that programs at proprietary schools are usually shorter than those at degree-granting institutions, so that students enter repayment status earlier. Some is due to the concentration at these schools of high-risk students not readily admissible in other institutions. And some is undoubtedly due to the deliberate exploitation of students who, handicapped by ignorance and poverty, are euchered into contracts they do not understand for poor training they may not even receive. A 1974 estimate by the General Accounting Office put the proportion of potential insured loan defaulters at 24 percent of all student borrowers and almost half of all borrowers at proprietary schools. Default rates have been lower in the state programs than in that insured directly by OE, because the states have screened out, or given grants rather than loans to, more high-risk, low-income students.[4a]

Going After Students and Schools

Slow to discern the institutional concentration of defaults, the Office of Education was slow to take corrective measures. In 1971, when defaults were low, Office spokesmen believed that most students took their obligations seriously. In May 1972, when bad debts began to accumulate, William Simmons, Jr., stated that the then-current 4 percent default rate was "twice as high as it should be."[5] A "crackdown" on students began. OE gathered a collection force to run down defaulting students, with the help of other federal investigative agencies. One newspaper described this collection operation as a "Hunt for Student Aid Defaulters":

> Federal bill collectors here are busy chasing down 9000 former students who owe Uncle Sam millions of dollars in government insured loan payments.
>
> A special three-man team . . . already has tracked down about 2500 . . . in California, Nevada, Arizona and Hawaii--the four-state region the team works in.
>
> "We will chase the rest to their graves to collect if necessary" Henry Goltz, one of the collectors promised yesterday. . . .
>
> "We will try to work with them to effect collection in the fastest time possible," he said, "but if they don't go along with us, we are geared up to garnishee their wages or get a judgment against their assets."[6]

Up to September 1973, federal collection efforts had netted a $3.2 million recovery of $55.2 million in cumulative federally insured default claims.[7]

Powerful incentives for abuse had been created by the combination of unlimited loan funds, schools dependent upon enrollment contracts obtained by commissioned salesmen, and the uninspiring OE enforcement record founded in part upon its "hands off education" tradition. The enrollments and also dropouts of many schools rose sharply due to stepped-up recruitment, misleading advertisements, inadequate student screening, instruction and supervision, overcrowded facilities, overworked teachers, frequent changes in staff and management, and broken promises of job placement. In conjunction with the practice of collecting the entire tuition in advance, these techniques yielded high profits, for as students dropped out, their places were quickly filled by others. So long as some tuition remained unrefunded, there was a premium on sieving large numbers of students through the doors. When loan administrators awoke to this situation, they realized that accrediting team visits every five years did little to control it. However, some sources of the problem transcended the limited responsibilities and powers of loan officials.

OE's first efforts to remedy the situation were directed at lender schools. Staff began in July 1970 to examine critically applications from schools for authority to act as lenders. Previously, some 110 schools had been given that authority with few questions asked. After the HEW counsel's office in effect reversed itself, regulations were published in the October 13, 1970 Federal Register stating that:

> A pension fund, institution of higher education or vocational school will not be approved by the Commissioner (as a lender) unless it can satisfactorily demonstrate that the procedures it has established for making or purchasing loans . . . are in accordance with generally accepted commercial lending practices and that it is able to carry out the duties and responsibilities required of it. . . .

Schools were asked to demonstrate sufficient financial resources as well as adequate procedures for making, servicing, and collecting loans.

Loan staff developed additional mechanisms to dampen rampant loan expansion and curb under-capitalized lender schools. In 1972, they began to limit the volume of loans a school could offer in its first year as lender. Such limits, it was hoped, would reduce the growth of "FISL factories." By April 1973, 15 degree-granting and 41 non-degree-granting institutions were so limited. Annual performance reviews were instituted, schools lenders were asked to project new loan volume and submit certified financial statements that were evaluated against OE records of complaints, refund practices, and defaults. Of 90 lender schools reviewed by April 1973, the lender status of 58 was extended and that of 32 (31 of them, proprietary schools) was suspended or limited. Suspended schools lost only their direct lending authority, not their eligibility to participate in the loan program via state or commercial lenders. OE had no authority to limit the number or volume of loans taken out by students enrolled at any eligible institution.

In late 1972, the Division of Insured Loans reached beyond direct school lenders to all proprietary schools which had failed to make timely tuition refunds, the leading institutional cause of defaults. Some schools owed over $500,000 in refunds to students on insured loans. The Ling Tempco Vought chain owed over $1 million. Where OE identified such schools, it began to refuse to insure additional loans until past refunds were paid, taking the position that it was senseless to put good money after bad and aggravate schools' financial irresponsibility. OE also told schools to make good on the stated refund policies of their accrediting agencies.

The result was disastrous for schools with large refund obligations and a heavy dependence on insured loans. Between January 1972 and May 1973, twenty accredited business schools closed. Other factors contributing to the closings included the loss of accreditation, over-expansion, and financial mismanagement, but the heavy enrollment of insured loan students--often more than 90 percent of the student body--and the requirement to refund large sums were primary causes. One Texas Education Agency official, who felt that "the loan program has been a disaster in Texas," held OE partly responsible for these closings. In his view, the insistence on immediate refunds, coming after seven years of inaction, penalized students caught in the closings and could contribute to even higher future defaults. Some of the schools had been sold to buyers unsuspecting of their refund liabilities.

For example, Draughon's Business College of Greenville, South Carolina, closed in May 1973. The state education department had licensed the school in February 1972 and again in May 1972, following two ownership changes. The state inspections had noted nothing unusual but the school's finances and refund obligations had not been examined. When it closed, Draughon's accreditation was suspended by the Association of Independent Colleges and Schools, whose staff said that suspension had been pending for a year. "We are all hamstrung by the Office of Education," Dana Hart, Executive Secretary of the AICS accrediting commission said, referring to OE due-process requirements.[8]

Though OE loan staff may be accused of vacillating between too lax and too strict enforcement--it is not easy always to follow the golden mean--they have been keenly aware of the consequences of closures for students. Indeed, the concern that students not find themselves out on the street has often been responsible for the indulgence of school irregularities by OE as well as accrediting agencies. After a series of business school purchases in Texas, loan staff made special arrangements to permit the new owner, who was attempting to repay the large refund obligations he had unknowingly inherited, to spread out these repayments over a number of years.

Since 1972 a printout has detailed the number and volume of loans at each school. But, as OE staff do not obtain current enrollment data, they cannot determine the incidence of borrowers at any school or the number of students receiving other government funds. As they had received default data from lenders, not schools, they had until recently been unable to identify the number of defaults at individual schools.

High default rates may result from malpractices--or from the most commendable practices of schools which try to train semi-literate students who would not be admitted elsewhere. Indeed, a national policy of compulsory attendance in secondary school and one, advocated by many, of open admission to higher education, is hardly compatible with a rigorous selection for vocational education. According to an Illinois state analysis,

> If an individual school or...lender has a high default rate, it is invariably because it serves a group of high risk students. One cannot make the assumption that because "Lender A" has a default rate that is twice the default rate of "Lender B" that "Lender A", therefore, is more careless in the administration of the Insured Loan Program. "Lender B's" procedures may be even worse...but their clientele is limited to "reasonably safe" students. . . .[We have] observed equally poor or worse administrative practices in those institutions whose default rates are low simply because they reject the low income and/or minority student.[9]

In June 1972, the New York Higher Education Assistance Corporation sent warning letters to 64 institutions with high default rates and ruled another 37 ineligible for new loans. Of the suspended schools, 14 were regionally accredited (11 were predominantly black institutions); the other 23 were vocational schools (16 were beauty schools). The 64 insititutions receiving warnings included 33 vocational schools, mainly beauty and trade schools, and 30 regionally accredited and one unaccredited institutions, half of which were southern colleges catering mainly to black students.

The 13 out-of-state colleges suspended because of default rates among New York students running as high as 54 percent, were: Oakwood College, Alabama; Howard University, District of Columbia; Morehouse College, Georgia; Shimer College, Illinois; Maryland State College, Maryland; Elizabeth City State University, St. Augustine's College, and Johnson C. Smith University, North Carolina; Central State University and Wilberforce University, Ohio; Tennessee State University, Tennessee; and Bishop College and Texas Southern University, Texas. Colleges receiving warning letters included Cooper Union, Tuskegee, Goddard, Fisk, the LaCrosse campus of the University of Wisconsin, Hampton Institute, Los Angeles City College, the University of Northern Colorado, the University of the Americas in Mexico, and the Inter American University in Puerto Rico.

Upon being suspended because of its 32 percent default rate, the Borough of Manhattan Community College, together with the City University of New York, obtained an injunction which obliged the corporation to continue lending to high-default schools. In the college president's, and apparently the courts', view (the lower court's ruling was sustained on appeal), the corporation's action was discriminatory and unjust, "penalizing future students" for the offenses of their predecessors.[10]

The coordinating board of the Texas college and university system tried the same tactic in 1969, briefly suspending over two dozen schools with loan delinquency rates over 10 percent. When Texas joined the federal insurance program, the policy was rescinded and the agency merely sent such schools warning letters.

High default schools argue that they should not be penalized for attempting to serve high-risk students: if they are, they will either have to shut down or reject unpromising applicants who will then have nowhere to turn. Indeed, LTV has been selling its fourteen schools in Texas and getting out of the education business. Critics charge that, too often, businessmen with little educational talent, experience, or interest, have exploited the loan program for its risk-free profit potential. They have hailed proprietary school closures and some would like to bar all proprietary schools from the loan program.

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Although some accredited proprietary schools have plainly exploited students, it is plain that defaults would persist if all proprietary school owners and salesmen were as well behaved as a prize group of scouts. That is evident from the high default rates of students aided by the New York Higher Education Assistance Corporation and enrolled at accredited universities and colleges of national standing.

The default rates of low-income black students attending large universities can be statistically drowned in the repayments of middle-class students, whereas they stand out sharply in small schools catering exclusively to them. Some well-meaning persons, who believe that nondiscrimination should extend to statistics, also do what they can to obscure data which they fear may be misused. Accordingly, we know less then we should about defaults at higher educational institutions. Carol Wennerdahl has provided a glimpse of defaulters in The Illinois Guaranteed Loan Program:

> Approximately 37% of all borrowers are from a family whose reported adjusted income is less than $6,000, while approximately 70% of all defaulted borrowers are from families whose incomes are within the same range. Approximately 11% of all borrowers are members of a racial minority group, while approximately 50% of all defaulted borrowers are. . . . The collections staf. . .has noticed a lower level of social sophistication in these borrowers as they are compared with the entire borrowing population.[11]

Section 438(a) of the 1972 Education Amendments authorized the Commissioner to limit, suspend, or terminate loan eligibility after due process, including adequate notice and the opportunity of a hearing, if he determined that an institution was not administered according to "reasonable standards of financial responsibility and [with] appropriate institutional capability." The act also authorized audits of eligible institutions. In developing regulations to implement its new authority, OE had to decide what constituted a violation and what, a serious or repeated violation of the regulations. As of September 1974, no regulations had been issued though a draft was being circulated for comment.

Why should it take two years, to use an elementary power Office staff had long wanted and which was obviously needed to protect students and public funds from the errors accrediting agencies seem unable to avoid or to correct? The OE bureaucracy must be assigned much responsibility for the delay.

Complaint Procedures

Student complaints have been forwarded to regional staff in charge of investigations and collections, and to AIES staff who have normally passed a copy along to the appropriate accrediting agency for investigation. We examined 103 letters of complaint received by AIES between January and April 1973 from, or on behalf of, former students who had defaulted on their loan obligations. All involved proprietary schools and none, higher educational institutions. Complaints were registered against a total of 60 schools: 29 were accredited by AICS; 20 by NATTS; 8 by NHSC; 1 by both AICS and NATTS; 1 by both NHSC and NATTS; and 1 was unaccredited.

Robert Toren of the AICS staff reported in July 1973 that AICS had received from OE complaints against only 15 schools, and, from other sources, complaints against another three. William Goddard, NATTS secretary, reported that his records indicated the receipt from OE of complaints against only eight schools. NHSC executive director William Fowler reported the receipt of the full quota of complaints against nine accredited correspondence schools. The three spokesmen indicated that their agencies had investigated all of the complaints and that most had been resolved. The complaints, which concentrated on business, computer, and correspondence schools in Texas, California, and Illinois, included charges of false or misleading advertising or verbal representations and promises about the school or future jobs, and complaints about poor facilities, poor teaching, teaching in English to Spanish-speaking students, and the absence, or frequent rotation, of teachers.

Toren wrote, "it appears that perhaps two or three [of the twenty complaints AICS had investigated] were totally unwarranted. However, in most of the remaining cases, there was a general misunderstanding between the student and the institution. These complaints were resolved to the satisfaction of the student, but without the school admitting fault in any way. As you can imagine, it is often difficult to make an accurate judgment as to the substance of an individual's complaint through correspondence. However, we are usually successful in resolving these complaints to the satisfaction of all parties concerned."

Goddard wrote, "It is not possible for us to make the value judgment as to which complaints are of substance and which are not. For example, the student might state that the instruction was poor and outdated, but not give any specifics. On the other hand, the school might claim that the instruction is good and up to date, and our evaluation of the program by a professional from the industry had shown that the training program was of value."

Fowler reported that "About 6 cases [of 19 complaints against 9 schools] were warranted; 13 were open to interpretation. In all cases, a reasonable and fair settlement was reached. In most cases, the schools agreed to either refund tuition or adjust tuition accounts in favor of the student."[12]

No change had occurred in the status of any NATTS or NHSC school named in these complaints, all of which were accredited in both January 1973 and July 1973.

Of the 30 schools accredited by AICS against which complaints had been received by OE, 24 remained accredited in July 1973; 3 had been disaccredited and 3 had closed. Censure, probation, or disaccreditation actions had been instituted or completed against eight of the schools, and two had closed as of January 1--that is, before this set of complaints had been received. It would appear that some of the factors that have led AICS to reexamine a school's accreditation (such as financial instability and the accumulation of a large debt of unmet refunds) have also generated student complaints. But the experience of the other two accrediting agencies as well as the testimony of many other agencies in response to our questionnaire demonstrates that student complaints seldom are regarded as serious enough to, or are handled in a way which might, lead to the reconsideration of accreditation.

As for the Office of Education, its performance in investigating, let alone rectifying, complaints has not been inspiring. Occasionally, a forceful staff report has been prepared or measured actions taken on behalf of groups of students; occasionally, a school's lender application has been delayed by complaints, but effective policies or procedures have not been developed for investigating and acting upon them. Individual headquarters and regional staff have been much concerned about students' interests, but they have other primary responsibilities. HEW officials have said more than they have done to protect student "consumers." The overall impression one gets is that OE is more concerned about the banks and the schools and the accrediting agencies than about the students. It is handicapped by its tradition of silent and not fast service; by its limited powers, cautiously exercised; and by its unwarranted reliance on accrediting agencies. We may hope but we should not expect to transform OE from an agency useful in serving such forces as may vaguely be discerned amidst the educational fog to one which will mount an impressive compaign on behalf of that even less definable force, the student.

Notes

1. As of October 1972, 24 states and the District of Columbia had guaranteed loan programs. The program insured directly by the federal government operated in 25 states, the District of Columbia, Puerto Rico, and the Pacific Trust Territories.

2. Letter to Representative Jerry Pettis from California attorney representing disgruntled students, November 2, 1972.

3. H.R. 11927, 93d Congress, 1st Session, December 12, 1973.

4. "What about the default rate with student loans?....[It is] one of the black eyes that you carry in the Congress--and this has come up serveral times in Committee...as we've discussed the whole loan concept, and whether or not the loan legislation...really should be available to proprietary institutions and their students. And the statistic that they keep throwing back in the face of some of us who feel that you should be covered by these loans programs, is that about three-quarters of the defaults today have been with loans to students attending proprietary institutions...." (Congressional Record, July 30, 1973, daily edition, pp. E 5198-5201).

4a. Karen J. Winkler, "Defaults Up," Chronicle of Higher Education, September 30, 1974, p. 7

5. "Defaults Zooming on Student Loans," US News and World Report, May 15, 1972, p. 86.

6. Ron Moskowitz, "Hunt for Student Aid Defaulters," San Francisco Chronicle, January 31, 1973.

7. "60,000 Students Default on $55 Million in Loans," The Washington Post, September 10, 1973.

8. Roger White, "Draughon's Business College's Accreditation Was Suspended When It Closed," Greenville News, May 20, 1973.

9. Carol Wennerdahl, "Reduction of Defaults on Insured Student Loans," Illinois Guaranteed Loan Program, Deerfield, Illinois, March 1, 1972 (offset).

10. Letter from President Edgar D. Draper to Elwood D. Hollister, Director of the New York State Higher Education Assistance Corporation, June 28, 1972.

11. Wennerdahl, op. cit.

12. Letters of July 24, July 23, and August 14, 1973 from Toren, Goddard, Fowler, respectively.

J. Other Postsecondary Eligibility Systems

Summary

OE and the V.A. attempt in elaborate (if different) ways to ensure that postsecondary schools meet at least minimal educational standards. In contrast, other important government programs pay almost no regard to such standards or to a comprehensive system of eligibility determinations. Among these are the large program of Social Security benefits to students, the even larger programs of research and development awards to college and university investigators, loans and grants to American students attending foreign colleges, and a host of federal manpower programs administered through the states. For all practical purposes, these programs dispense with the accreditation requirement and none seems demonstrably the worse for it.

The criteria of eligibility for foreign schools were much less rigorous than for domestic schools. No site visits and no periodic reviews of eligibility were undertaken. Headquarter staff of the Office of Education and the Veterans Administration made direct judgments of the eligibility of individual foreign schools which they refrained from making for domestic schools.

While AIES is directly responsible for determining the eligibility of postsecondary schools only in certain OE programs, its directories of accredited and selected unaccredited schools and programs help to determine eligibility for many other public purposes.

Graduation from or attendance at an accredited school or program is a prerequisite for many job classifications. A military chaplain, for example, must possess 120 undergraduate hours from an institution listed in the Higher Education Directory, or a theological degree from a Directory school or one whose credits are acceptable to Directory schools. Attendance at an accredited, or designated alternative, institution is necessary to sit for the general entry exam of the Civil Service Commission. Government lawyers must be graduates of accredited law schools, as must applicants for entry commissions in the Judge Advocate General's corps of the armed services

AIES certifies the accredited or preaccredited status of various medical, allied medical, and allied health schools and programs, to facilitate administration of the 1963 Health Professions Educational Assistance Act. Accreditation is a prerequisite for certain National Institutes of Health grants such as the Health Professions Teaching Facilities grants, heart and lung research graduate training grants, nursing scholarships and pulmonary academic awards.

The Department of Defense has used OE directories of accredited institutions, rather than lists of state-approved schools, to determine the eligibility of personnel for early release programs. Programs accredited by the National League for Nursing have been used by the Army Nurse Corps for training purposes.

Normally, only accredited schools can participate in student-exchange programs administered by the State Department Bureau of Cultural and Educational Affairs; however, the bureau makes occasional exceptions for unusual schools. In reaching this decision, bureau staff may consult OE and private organizations like the Institute of International Education and the American Association of Collegiate Registrars and Admissions Officers.

The Immigration and Naturalization Act of 1952 required the Commissioner of Education to advise the Attorney General about "schools, colleges, and other places of study" which a foreigner wishes to attend. The Immigration and Naturalization Service asks OE whether a school, which petitions for approval to receive foreign students, is "an established institution of learning." "Established" is not identical to "accredited"; public institutions and all schools listed in OE postsecondary directories are accepted.

Within the Office of Education itself, accreditation has been of special importance as a basis of eligibility for student aid programs: accreditation has also been an asset in programs of institutional aid. Let us examine its use in both types of programs.

U.S. Office of Education

Institutional Support

The Higher Education Facilities Act of 1963 offered grants and loans for the construction of undergraduate and graduate academic facilities and interest subsidies to reduce borrowing costs (Table 1). Schools applied for funds through state commissions which filed plans conforming to OE guidelines for determining educational priorities. Eligibility was confined to nonprofit and public institutions of higher education which were accredited, preaccredited, or had credits accepted by three accredited institutions.

The National Defense Education Act of 1958 rendered an unaccredited institution eligible for funding if its "credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited." According to one source, this alternative was designed to benefit students at orthodox Jewish and Christian schools, as well as small, long-established liberal arts colleges. Regulations issued in 1970 required schools to establish that three accredited institutions had in fact accepted their transfer credits.[1] In 1966, the National Commission on Accrediting sought to eliminate the three letter route, but was dissuaded after conversations on the Hill and at the Office of Education. The 1972-73 Higher Education Directory listed 113 schools on the basis of this alternative to accreditation.

Table 1

Undergraduate Facilities Grants at Unaccredited colleges, 1972

	Undergraduate College Facilities Grants at		
	Public Junior Colleges and Technical Institutes	Other Institutions	Total
Obligations (millions), 1965-72	$ 485	$ 1,265	$ 1,750
1972	11	33	44
Unaccredited colleges	4.2	3.5	7.5
Number of grants, 1972	75	175	250
Unaccredited colleges	25	15	40
Percent at unaccredited colleges, 1972			
Obligations	38	10	17
Grants	33	9	16

Source: Annual Report for FY 1972, Division of Academic Facilities, Department of Health, Education, and Welfare, 1973.

The 1963 Act opened eligibility to two year vocational programs in unaccredited institutions either by action of "an advisory committee...which shall prescribe...standards...which must be met" or by the commissioner's determination "that there is satisfactory assurance...[of accreditation] upon completion of the project for which...assistance is requested...." This language presented OE with two alternatives: to secure statements of "reasonable assurance" from recognized accrediting agencies or to make its own determinations. As OE officials felt that the latter course would get them too close to direct accreditation, the National Commission on Accrediting was asked to call a meeting to enlist the regionals cooperation. At the meeting, OE staff stressed that the commissioner had no alternative, if the regionals did not provide statemements of "reasonable assurance," but to make the determinations directly.

The regionals were moderately responsive. Some already had similar designations such as "recognized candidate," but practices and standards varied. Those which had to develop new policies and procedures were slow to respond and some, like the New England Association, were resistant. Utlimately, all complied. OE has required from the regionals no exposition or defense of their letters of satisfactory assurance. OE and the regionals maintained that these determinations were based solely on regionals' standards. Of some 397 institutions holding preaccreditation status in 1972, three-fifths were two-year public colleges or technical institutes.

Student Assistance Programs

NDSL, Work-Study, EOG

In 1973, the Office of Education administered three institutionally-based student assistance programs: National Direct Student Loans (NDSL) provided loans to needy students at subsidized interest rates; College Work-Study paid 80 percent of the wages of needy students in jobs on or off campus; and Educational Opportunity Grants (EOG) provided grants to low income students. In all cases, "need" was defined in relation to the cost of attending a particular college: students at expensive colleges "needed" more. Funds allocated to states for all three programs were apportioned to eligible schools by regional panels of student-aid officials, according to statutory formulas. Once apportioned, funds were allotted by college student-aid officers guided by national priorities.

The eligibility of higher educational institutions for these programs was based upon accreditation, satisfactory assurance, or the "three letter" device. By statute, students at unaccredited, non-degree, area vocational schools were also eligible for Work-Study.

Since 1968, students at accredited proprietary postsecondary schools have qualified for both Work-Study and NDSL; under the 1972 Education Amendments, they will also qualify for EOGs. The "satisfactory assurance" and "three letter" alternatives have not been available to proprietary schools.

Since 1968, AIES has processed all eligibility applications for student assistance programs. AIES notifies the Division of Student Assistance (DSA) about eligibility problems; if eligibility is terminated after awards have gone out, the school will get one "free year" from the division.

In recent years, DSA staff have conducted a war of attrition against six or seven "problem schools," withholding awards and refusing to release funds until abuses have been corrected. Sometimes allotments have been reduced. In fiscal 1973, awards to 34 schools were delayed or reduced.

Some 11-14 percent of the more than 2,100 institutions participating in institution-based student assistance programs in 1971 or 1972 were unaccredited, but their students received only 4-6 percent of available funds (Table 2).

Guaranteed Student Loans

Under the amended Higher Education Act of 1965, the Office of Education has administered the Guaranteed Student Loan Program (GSLP) designed to increase the educational loan funds available from banks and other lenders. Either directly or through a state agency, in most cases the federal government insures the lender against default.

The GSLP definition of "eligible institution" is broader than that of any other OE program. It includes not only institutions of higher

Table 2

Participation of Unaccredited Institutions in Three Student Aid Programs, 1971 or 1972

	Office of Education Program		
	Loans	Grants	
	NDSL[1]	Work Study[2]	EOG[3]
Institutions participating*	2,292	2,513	2,163
Number unaccredited	265	364	241
Total expenditures (millions)	$ 286	$ 155	$ 166
At unaccredited institutions	9	9	6
Student beneficiaries (thousands)	650	511	286
At unaccredited institutions	19	29	10
Percent of			
Unaccredited institutions	12	14	11
Expenditures at unaccredited institutions	3	6	4
Student beneficiaries at unaccredited institutions	3	6	4

* Institutions listed in the OE Education Directory, 1972-73, Higher Education or Directory of Postsecondary Schools with Occupational Programs, 1971.

Source:

1. National Direct Student Loans [Congressional Report No. 73-1,] August 29, 1972.
2. Work-Study [Congressional Report No. 72-1,] July 23, 1971.
3. Educational Opportunity Grants [Congressional Report No.1-71], May 7, 1971.

education eligible through procedures outlined above but vocational and "comparable" foreign schools. Vocational schools are defined as "legally authorized" business, trade or technical institutions which "admit as regular students only [those]...who have completed or left elementary or secondary school and who have the ability to benefit from training offered... designed to fit individuals for useful employment in recognized occupations"; schools should be accredited, in existence for two years, or specially accredited by the commissioner.

For unaccredited vocational schools ineligible because "there is no nationally recognized [accrediting] or state agency...qualified to accredit schools of a particular category," the law authorized the commissioner to appoint a qualified advisory committee to "prescribe the standards of content, scope, and quality which must be met by those schools in order for the loans to students attending them to be insurable..."

In 1965, few agencies accredited vocational schools. Consequently, OE rendered these schools eligible by advisory committee action. A 1966 ad hoc committee recommended that the 500 public and nonprofit schools eligible for the Vocational Education Act of 1963 as postsecondary area vocational schools should also quality for the National Vocational Student Loan Insurance Act of 1965. In 1969, the commissioner recognized the accrediting procedures of the Committee on Occupational Education of the Southern Association. Thereafter, public and nonprofit vocational schools in the eleven southern states were given five years to gain status with the association. By 1972, 123 had attained accreditation.

Following the February 1967 recommendation of a Vocational Education Advisory Committee, unaccredited proprietary schools in eighteen states were ruled eligible for student loans for an interim period upon the approval of their state regulatory procedures and their submission of a Civil Rights form and a statement that the school met certain financial standards and maintained a pro-rata refund policy as prescribed by the Veterans Administration. To be approved, the state agency had to obtain an annual report on fees. objectives, enrollment, completion rates, and placement, and to conduct site visits. After NATTS was recognized in August 1967, some 500 proprietary schools which had become eligible via the state agency route were advised by letter to obtain accreditation by September 1972 if they wished to retain eligibility. Ninety lost their eligibility in September 1972, because they had not received accreditation.

Unaccredited cosmetology and barbering schools were rendered eligible if licensed by state boards approved by advisory committee action; by August 1968, 29 state boards were so approved. A satisfactory financial statement and refund policy were also required. When the Cosmetology Accrediting Commission was recognized in February 1970, all schools approved under the foregoing procedure were given until April 1, 1975 to become accredited.

The law gave the commissioner authority to "specially accredit" or waive normal eligibility requirements for two types of vocational schools. In August 1968, 39 branches of accredited nonprofit schools were granted eligibility by waiver of the requirement that they be in existence for two years. The new Antoich Law School in Washington, D.C. received a similar waiver in January 1972, seven months before gaining correspondent status with the North Central Association.

The commissioner has "specially accredited" three vocational schools. The first was the Occupational Industralization Center (National Skills Center), a private, nonprofit institution in Harlem, New York, offering courses in air conditioning and data processing. Following site visits by state officials and OE regional staff, the two-year rule was waived in July 1967 despite the demurrer of state officials, because the school had no recourse to a nationally recognized accrediting agency. One month later, NATTS was recognized by the commissioner. In 1968, the center's eligibility was extended two years, contingent upon its gaining NATTS accreditation by July 1970. When the school did not do so, its eligibility was terminated.

Pressure from Wyoming officials led to a special waiver for the proprietary Cannon Aeronautical Center in April 1969. Established in 1966, Cannon had attained FAA certification as a power plant and air frame school. Two members of the AIES staff, accompanied by FAA subject specialists, performed a site evaluation and reviewed facilities, equipment, curriculum, instruction, faculty, management, and fiscal stability, because at the time no accrediting agency had been recognized for such schools (NATTS was recognized for the purpose in 1970). Notice of approval was sent to the school, the Governor of Wyoming, and the state superintendent of schools. Cannon's eligibility was terminated in November 1972 for failure to become accredited by NATTS.

The Riverside School of Aeronautics in Utica, New York, another proprietary school, obtained the same waiver after inspection by an AIES team in the spring of 1969. Riverside was accredited by NATTS in 1972.

Research and Development Programs

In 1971, the Office of Education awarded research and development (R&D) funds to relatively more unaccredited schools than the six other agencies we have examined (Table 3), presumably because OE awards were distributed to the largest number of insititutions. Accreditation has rarely been required in R & D programs. For-profit organizations such as the Bell Laboratories or Arthur D. Little Inc., nonprofit research

Table 3

Research and Development Obligations by Seven Federal Agencies to All, and Unaccredited, Academic Institutions, 1971

Agency	All Institutions		Unaccredited Institutions			
					Percent of Total	
	Obligations (millions)	Number of Institutions	Obligations (millions)	Number of Institutions	Obligations	Number of Institutions
National Institutes of Health	$ 795	313	$16	6	2.0	1.9
Department of Defense	242	244	7	7	2.9	2.9
National Science Foundation	217	316	4	7	2.0	2.2
National Aeronautics and Space Administration	129	216	1	6	2.8	2.7
Atomic Energy Commission	96	192	1	4	1.0	2.1
Office of Education	85	536	1	20	1.1	3.7
Department of Agriculture	75	97	0	0	0	0
Total	$1,638	-	$30	-	1.8	-

Source: Data on accreditation from Education Directory, 1972-73, Higher Education, verified by AIES staff. Data on Agriculture, Atomic Energy Commission, Defense, NASA, and National Science Foundation from Federal Support to Universities, Colleges and Selected Nonprofit Institutions, Fiscal Year 1971, National Science Foundation, 1973, Table B 23. Data on National Institutes of Health and Office of Education from DHEW Obligations to Institutions of Higher Education, Fiscal Year 1971, 1972, Vol. 2, Tables 17 and 20.

institutes like Battelle or Stanford Research Institute, as well as colleges and universities, are selected for their capability on the basis of competitive or sole-source proposals.

The National Insitutes of Health (NIH) administered the largest R & D program at higher educational institutions, with project awards of $587 million and an additional $209 million in general support funds. Though accreditation was not required for most research awards, according to one source it might serve to favor one of two otherwise comparable proposals. Department of Defense officials stated that they were not concerned with accreditation, but only with the investigator's qualifications, officials of The National Aeronautics and Space Administration did not consider the accredited status of an institution or consult with OE about it. Likewise, Atomic Energy Commission staff did not normally check the accreditation of institutions whose faculty were awarded grants.

None of the statutes under which the Department of Agriculture awards funds to land grant colleges requires accreditation as a condition of eligibility. Nonetheless, all of the colleges were regionally accredited in 1971, with the single exception of Federal City College.

Under Treasury regulations designed to ensure that R & D funds are used for their intended purposes and protected, should a college or research institute close, each agency is responsible for

> (a) making such reviews of the financial practices of recipient organizations...as are necessary to insure that the provisions of this Part 205 are being complied with, and (b) instituting such remedial measures as may be necessary in the event that a recipient organization demonstrates its unwillingness or inability to comply with these provisions.

The Treasury provides that "When a grantee has materially failed to comply with the terms and conditions of a grant, the granting agency may, after reasonable notice to the grantee, suspend the grant."[2]

The National Science Foundation requires that grants be deposited in separate bank accounts maintained by the grantee, not commingled with other funds. "Grantee institutions should have arranged for such bonding and liability insurance as may be appropriate to assist in safeguarding Federal funds."[3] If NSF staff believe that funds have been improperly used, they may switch from advance payments to reimbursement of allowed costs. Unlike NSF, HEW does not require physical separation of funds unless a letter of credit system is used. Bonding and insurance are required for construction or facility improvement grants.

Manpower Eligibility Systems

Historically, educational funding has gone through the states where accreditation has not been the only path to the federal trough for postsecondary institutions. The Vocational Rehabilitation Act of 1920, administered through the states, made no mention of accreditation. This program one of the largest federal training efforts, has concentrated on the rehabilitation of physically and mentally handicapped persons. Services have been purchased from schools by local rehabilitation agencies, on a case by case basis. In fiscal 1972, federal and state expenditures for rehabilitation services, including diagnosis, counseling, training, and placement, reached almost $700 million (the federal share was 80 percent). Roughly 30 percent of the total went for counseling and placement; another 15 percent ($101 million) was spent to train 238,000 students at postsecondary institutions.

The Texas Rehabilitation Services Manual requires that a school be certified by an appropriate agency: public vocational or trade schools should be part of "duly constituted" systems; training divisions at rehabilitation centers should be "duly constituted"; proprietary schools must be approved by the Texas Education Agency. Other schools may also be used for training at the discretion of rehabilitation counselors. During fiscal 1972, the Texas Rehabilitation Commission sponsored some 14,000 clients in 1,183 schools: 42 percent attended 305 colleges and universities, 11 percent attended 185 proprietary schools, and 47 percent attended 693 secondary and postsecondary vocational schools.[4]

State rehabilitation agencies do not certify, formally evaluate, or usually maintain lists of educational institutions used in rehabilitation training, but select from existing lists of state licensed or approved schools. Students may attend private schools when training is unavailable in state facilities and/or the costs do not exceed those of state schools. Except for site visits to determine compliance with fair practice and nondiscrimination provisions of the Civil Rights Act, schools are not regularly reviewed or inspected. Agency staff avoid institutions which, in their experience, have failed to provide adequate service.

As individual counseling and training is provided, rehabilitation students are shielded from the commissioned salesmen who may beset other students. If a student withdraws, the agency pays only for the portion of training received.

Two OE programs funded through the states which make little use of accreditation were authorized by the Manpower Development and Training Act of 1962 and the Vocational Education Act of 1963. Under the latter program, some $762 million, including $132 million in federal funds, was spent in 1972 on the education of 1.3 million postsecondary students at predominantly public institutions.

The OE Division of Vocational and Technical Education has published an annual Directory of Area Vocational Schools listing all public schools meeting statutory definitions. Once listed, a school has not been removed.

Directory schools include junior and community colleges or universities which provided vocational instruction "in not less than five different occupational fields...leading to...employment but not leading to the baccalaureate degree." Of 1,800 schools in the 1972 directory, roughly 900 were characterized as offering "postsecondary" programs and the balance, "secondary" or "adult," with some schools offering all three. In 1972, some 850 directory schools were also eligible for guaranteed student loans; roughly half were accredited.

The Vocational Rehabilitation Act authorized contracts with private for-profit schools, unless prohibited by state law, but OE regulations for the Vocational Education Act of 1963 required affirmative state authority for such contracts. As a result, state education boards contracted with private schools under the vocational rehabilitation, but not vocational education, program, taking the position that, without affirmative authority, the latter contracting was prohibited. In 1968, the law was amended to authorize private contracting and more clearly to define appropriat private vocational training institutions. Despite the new permissive language only a half million dollars had been disbursed by 1973 under contracts with private vocational schools. As of 1972, New Jersey and six others states had no formal policies or criteria for contracting.[5]

A third federally-funded, state-administered program was authorized by the Manpower Development and Training Act of 1962. At the time, high unemployment and fears of automation-induced joblessness made the retraining of skilled workers seem necessary. After 1965, program priorities shifted to meet the needs of unskilled, unemployed, and inexperienced workers. By 1971, 60 percent of MDTA participants were "disadvantaged."

MDTA sponsors on-the-job as well as institutional training. The act is administered jointly at the state level by the Office of Education and the Department of Labor. Eighty percent of training funds are apportioned to the states on the basis of their labor force, unemployment levels, and job-related factors such as available employment. The state vocational education agency processes applications and monitors the training which hopefully equips trainees to fill local job vacancies. The state employment service handles initial screening, job placement, and follow-ups, and provides stipends to trainees. Twenty percent of funding goes into "national projects" administered by the MDTA office in OE.

The 1972 federal expenditures for the MDTA institutional training of 150,600 persons were $406 million: 54 percent went for trainee stipends, 40 percent for training costs, and 6 percent for local program administration. An additional $58 million went to the state employment services for administration, counseling, and training services. Instruction designed to be completed in less than a year included group training, multi-occupational projects, work-study, on-the-job training, and individual referrals to schools offering appropriate courses. Projects were conducted at public and private schools and Manpower Training Skills Centers created to provide auxiliary services and training for the disadvantaged.

The act requires the use of private schools which provide equipment or services unavailable at public institutions and, at comparable costs, "offer equivalent training, avoid the necessity of setting up a special class, or more quickly reduce unemployment or manpower shortages." Some 90 percent of students have been trained at public institutions, but the proportion varies markedly in different states. Pennsylvania spent $1 million in 1973 for 900 trainees enrolled at over 90 private schools while more than 3,200 trainees received instruction at 49 public and state-aided institutions, the largest number in skill centers. Twenty-five area vocational schools and 15 public school districts trained 1,551 enrollees. While such training may have been "postsecondary," the sites were not classified by level; if accredited, they were probably accredited by the Middle States Commission on Secondary Schools.

State criteria for selecting MDTA schools varied. In Pennsylvania, schools were first approved by the Department of Education, after which program administrators considered placement records, reputation, and previous success with students. Many unaccredited skill centers, public area vocational schools, and private trade schools have been utilized. Almost half of the schools participating in the Pennsylvania program were accredited, but they trained only 16 percent of 1973 MDTA trainees.

Performance was the key criterion for contracting and schools were routinely asked to submit information regarding completion rates, length of training, and placement. Accreditation was not stipulated by law. Federal MDTA administrators have often found accredited programs too rigid and unresponsive.

Other manpower programs administered by the Department of Labor have focused on developing marketable skills for the disadvantaged through on-the-job and institutional training contracts. The Job Corps, Concentrated Employment Program, and Work Incentive Program sought to improve the employability of low-income persons by skill-training, work experience, and remedial education. Of total 1972 manpower program costs of $716 million, an estimate $271 million went for institutional training for 360,000 trainees.

Manpower programs are decentralized and authority is dispersed among several agencies. Accreditation has not been a statutory prerequisite for subcontracting services. Though site visits are occasionally made by local officials when a new facility is considered, contract approval is usually granted without inspection to schools already approved by a state agency. State regulations have determined allocations between public and private training centers. In New York, manpower trainees may attend any licensed or registered private school offering training in skills deemed in short supply by area planners. Of 217 private schools holding training contracts in 1973; 183 were unaccredited.

Ideally, past success should be a condition of future contracts. Yet, the placement data of state agencies indicate only if former trainees are employed, not if they have jobs for which they were trained. The fragmented administration of manpower programs by community action groups, state employment services and education agencies, and federal agencies has fragmented knowledge of their effectiveness.

In contrast to the federal manpower and rehabilitation programs, the Interior Department Bureau of Indian Affairs contracts directly with private vocational schools which have "successfully obtained employment for graduates in their respective fields." Since 1956, 37,000 trainees ageed 18 to 35 have received vocational training under the Indian Adult Vocational Training Act. In 1972, the bureau approved 2,500 courses at over 800 for-profit schools listed in its Catalog of Approved Courses. Of the 496 schools listed in the 1970 catalog, 211 were accredited and 285 were not.

Social Security Entitlement

In 1965, Social Security Amendments extended education benefits to full-time students 18-22 who were survivors of workers covered by Social Security, dependents, or retired or disabled beneficiaries. Previously, only children under 18 had been eligible. Student beneficiaries are "entitled" to support if they attend "approved schools." In 1972 the Social Security Trust Fund distributed $684 million to 583,000 student beneficiaries.

Payments are made after an application has been filed with the Social Security Administration and both the student and the school confirm that he has been admitted and enrolled full-time at an "approved" institution. The rules for approval are very liberal and include:

1. Schools "operated or directly supported by the United States, or by any State or local government...." All public schools and those operated for dependents by the Department of Defense in foreign countries are approved. Private schools directly supported by governmental agencies also qualify. For example, the Missouri Associated Migrant Opportunities Services, Inc., supported by the Community Action Program; the Chicago Institute of Technical Training, which instructs welfare recipients under agreement with the Cook County, Illinois Department of Public Aid; and the Madera, California, Employment Training Center run by the U.S. Department of Labor have been approved by Social Security.

2. Schools "approved by a State, or accredited by a state-recognized...accrediting agency...." State "accreditation" or approval includes licensure, veterans' course approval, the use of a school by state vocational rehabilitation agencies, and approval under MDTA and similar federal programs administered by state agencies. A state or

local tax exemption or receipt of state financial aid, loans, or scholarships may also qualify a school. Thus, CM and I College of Jackson, Mississippi was approved because it received free text books from the state in 1966. St. Elizabeth's Hospital Certified Laboratory Assistant School of Chicago and the Wilson Flight Training Center of Kansas City were approved on the basis of MDTA contracts. The People's Bible College in Colorado Springs was eligible because of its exemption from local property taxes; the School of Hope in San Bernardino demonstrated a state tax exemption. A school in one state can also be eligible if used or approved by a government agency in another state. Automation Training, Inc. of Missouri became eligible on the basis of its approval by the Pennsylvania Department of Public Instruction. None of the eight schools mentioned in this paragraph was accredited.

3. Schools accredited by agencies recognized by the Commissioner of Education. The National Home Study Council is the single exception, because home study students are specifically excluded from entitlement. Accreditation of a subdivision of an institution is considered to extend to the institution as a whole. By this regulation, schools are approved which have had only one program or department accredited by a specialized agency.

4. Schools "whose credits are accepted, on transfer, by not less than three institutions which have been accredited by a state recognized or nationally recognized accrediting agency, on the same basis as if transferred from an institution so accredited." The three-letter route applies to laterally transferred credits as well as high school credits used for college entrance.

For the convenience of regional staff, the *Claims Manual* lists eligible schools included in the *Higher Education Directory* as well as accredited business schools and approved foreign schools. Social Security district officials also collect lists from any and all state agencies. When a school is not found in any of these sources, a "special determination" of eligibility is made by local Social Security officials. Prisons and correctional institutions offering inmates academic or vocational instruction have qualified. However, between 1966 and 1970, some 250 "institutions" were denied approval. Among these were William College for Women of Ft. Lauderdale, Florida; the Computer Environments Institute of Saugus, Massachusetts; Ten Acre School of Christian Science Nursing of Princeton; Luigi's Jazz Center of New York City; the Auburn Apostolic Bible School of Auburn, Maine; the Post-Graduate Program of Honeywell, Inc., Wellesley, Massuchusetts; and the radiology training program of the Ashtabula General Hospital in Ashtabula, Ohio.

The Social Security Administration has not tabulated its universe of institutions, but an estimated 5,000 schools were participating in 1973. It was estimated in 1969 that 26 percent of beneficiaries were in high schools, 66 percent in colleges and universities, and 8 percent in vocational schools, but the proportion attending postsecondary vocational schools may have risen markedly because of the increased cost of college.

Social Security conducts no independent evaluation of its schools and relies mainly on the efforts of other public and private agencies to identify appropriate schools. Social Security staff exhibit an interest in school quality and probity that ranges from passive to imperceptible.

Both the OE and VA systems at least strive to assess a school's quality and integrity; the Social Security system does not. Yet, strangely, it is the OE and VA, not the Social Security, programs which have been subject to repeated criticism and complaints of student exploitation and school malpractice. Unscrúpulous school operators must have exploited the beneficiaries of Social Security as readily as those of the other programs. Has this exploitation gone unnoted because the money Social Security beneficiaries lose is more plainly their own and not subject to annual Congressional appropriation and accounting? That is a poor reason for not helping them to spend it more productively.

Foreign Schools

Several federal funding programs permit American students to enroll for study abroad. In most foreign countries, the system of "voluntary" accreditation is largely unknown (Canada is the principal exception). How then are foreign schools rendered eligible for domestic programs? In 1973, some 600 foreign schools were eligible for OE guaranteed loans,[6] 1,253 for Social Security student beneficiaries,[7] and 807 had courses approved for veterans.[8]

Student Loans

Students can obtain federally insured loans to attend foreign vocational schools or institutions of higher learning. The Comprehensive Health Manpower Training Act of 1971 also provided grants and loans to students attending foreign medical schools if the student was qualified for a U.S. school but there was no place for him. Accordingly, OE staff have had to determine which foreign schools were eligible. In addition, an American graduate student attending an eligible foreign university may defer repayment of his loan. The guaranteed loan staff has deferred to AIES which, in turn, has sought advice from the Comparative Education Branch of the OE Institute of International Studies (IIS).

In 1965, IIS staff compiled a list of 150-200 foreign schools which were, in their opinion, comparable to accredited U.S. schools. Most were recognized by a Ministry of Education or belonged to a national association of colleges and were listed in the Commonwealth Universities Yearbook or the International Handbook of Universities.

Supplementary inquiries have been dealt with by ISS on a case-by-case basis. Once an institution, college, or faculty[9] has been found eligible, it is added to a master list kept by AIES. AIES makes no further inquiry when an application comes in for a listed school. The eligibility of foreign schools is not reviewed periodically. Though 600 foreign schools were eligible, as of June 30, 1973 only 5,801 loans had been made during the life of the program to students at 226 foreign schools.

IIS also helps to evaluate vocational schools. AIES forwards pertinent information, including a form specifying the occupation for which the applicant seeks training. A school is eligible if it meets the definition of a vocational school as one "legally authorized to provide a program...designed to fit individuals for useful employment in recognized occupations." Then the student must find a bank to extend him the loan, often a very difficult matter. Only sixteen or so vocational schools have been approved.

Veterans Benefits

> Veterans and servicemen are permitted to take courses in foreign schools, provided that such training is at an institution of higher learning and the program leads to a degree or its equivalent granted by a fully recognized public university in the same country....[10]

The approval of foreign schools for veterans benefits is undertaken by central VA staff, who do not like to admit that their procedures are interpreted by outsiders as a form of institutional approval. A foreign school submits an application and two copies of its catalog to the nearest U.S. foreign service post and attests that it will keep enrollment data and report on the status of veteran students. Applications are forwarded to VA headquarters for "approval" or "disapproval." Though consulates are supposed to forward only meritorious applications, this rule is haphazardly obeyed. The VA staff consult much the same reference handbooks as IIS and arrive independently at a recommendation based on experience, inquiry, and the material supplied by the consulate; the catalog may also be translated.

During fiscal 1972, 11,000 veterans and servicemen received benefits for training at foreign institutions. As of October 1973, courses were approved at 807 foreign colleges and universities, including Bible schools and hospitals offering residency programs for doctors.

Social Security Beneficiaries

When the social security beneficiary program was extended in 1965 to full-time students 18-22 years old, staff at the Overseas Program Branch of the Social Security Administration visited the Comparative Education branch of the Office of Education for assistance and guidance. They were not given the list of foreign schools they sought, but merely the names of the reference works used by IIS staff. To obviate having to assess each institution as applications came in, Social Security staff decided to include all schools cited in these works in its first master list.

They next went to the American Association of Collegiate Registrars and Admissions Officers (AACRAO) to discuss the three-letter alternative to accreditation. They had found only Canadian professional schools and a few other isolated schools accredited by U.S. agencies. For administrative convenience, they hoped it would be possible for three accredited U.S. institutions to state that they would accept credits from any foreign school. AACRAO staff gave them little comfort. The acceptance of credit was often determined not by the registrar but by individual departments. A school's credit was not accepted carte blanche; an individual judgment was made about each applicant's record. However, AACRAO aggreed to circulate a seven-page, two-column list of foreign schools which had beneficiaries applying for entitlement to determine which of their members would accept credit from which schools. After six months, fourteen schools were rendered eligible by this procedure.

In 1968 all foreign secondary schools were "blanketed in" when three accredited District of Columbia high schools said they would accept credit from any foreign secondary school. German technical institutions were also blanketed in when three German branches of accredited American universities attested to the acceptance of their credit.

The first Social Security list of foreign schools, in 1966, contained 550 schools. By October 1972, there were 1,253.

Student beneficiaries are sent a form which the foreign school must complete, certifying their full-time attendance and the names and addresses of students who have transferred to three domestic schools. Social Security staff then determine if these students' credits were indeed accepted. If they were not, the student's claim is disallowed and he must find another foreign school or three accredited domestic schools which will accept his credits.

Notes

1. "(a) An...unaccredited institution must submit...(1) the names and addresses of not fewer than three [accredited] institutions... which...not more than 5 years prior to such submission has accepted the transfer of credits (and continues to accept such credits) earned at such unaccredited institutions; and (2) the names and dates of transfer of these credits, of at least three students or graduates of the applicant unaccredited institutions who have subsequently been enrolled in each of such institutions. (b) The U.S. Commissioner will request corroboration from each accredited institution....The Commissioner may request that such institution submit new information annually in support of its continued qualification, and in every case the submission of new information will be required at least every three years" (Federal Register, August 2, 1970).

2. Code of Federal Regulations, Title 31. Money and Finance: Treasurer, sec. 205.9.

3. NSF Grant Administration Manual, National Science Foundation, October 1973.

4. November 29, 1973 letter from the Director of Facilities, Texas Rehabilitation Commission.

5. Four Studies on Vocational Education in New Jersey, A report prepared for the New Jersey Advisory Council on Vocational Education by Education System Resources, May 1972, p. 51.

6. Various colleges and faculties of large European style universities were approved separately. For example, 31 Oxford colleges were named in the OE list of approved foreign schools. The list has not been released to the public, perhaps to afford some protection against evident inadequacies and inconsistencies.

7. These schools were primarily postsecondary but included about 100 secondary schools which offered at least 20 hours of training a week. Oxford, Cambridge, and the University of London were listed only once.

8. The 807 schools with courses approved for veterans included separate colleges and faculties. At Oxford, for example, the Delegacy for Extra-Mural Studies and the United Oxford Hospitals were listed.

9. Occasionally, the IIS advice is restricted to, or excluded, a particular faculty, as in the caveat that the eligibility of the National University of La Plata, Argentina, does not include the School of Journalism, the National College, or the Practical School of Agriculture and Animal Husbandry.

10. "What About Foreign Training?" Veterans Education, February 1973, p. 8.

K. Consumer Protection

Summary

Educational "consumers" are often defined as the "public," who is everyone. If they are defined as "students," the goals of "consumer protection" become clearer and more attainable: to help students make better educational choices and receive honest educational value.

Common means by which institutions deceive students include misleading claims about training and prospective jobs, inadequate screening of applicants, and unfair tuition refunds. No one agency is concerned solely with protecting students from these and related malpractices. The Veterans Administration is concerned solely with veterans and the Federal Trade Commission, with for-profit schools engaged in interstate business; The Office of Education and accrediting agencies have been more concerned about school administrators then students. It would be useful to establish a unit in a special Consumer Protection Agency to serve student interests and coordinate the related efforts of other agencies.

Ironically, organized student groups have, to date, done little to defend student consumers of educational wares. The 1972 National Conference on Student Consumer Action, attended by college students from ten states, prompted creation of a National Committee on Student Consumer Action; however, the committee has not focused on student issues. California students have lobbied to hold down tuition costs, graduate teaching assistants have organized to raise their stipends, and The National Student Lobby has compaigned for low tuition and high student aid appropriations. But these groups have manifested little interest in college malpractices. Proprietary school students have been too unorganized and unsophisticated to engage in concerted national action, though they have occasionally united to pursue legislation against particular schools.

Government officials have been aware of deception in education and some have acknowledged their contribution to the problem. One writes that "Direct and indirect federal financial support...has played a major role in the growth of the private vocational school industry...with only the most minimal safeguards....Thus...government itself has...underwitten the development of school abuses, and has a major responsibility to ensure that the abuses of the industry are reformed."[1]

In 1972, AIES convened a federal interagency Committee on Educational Consumer Protection. In March 1974, a national invitational conference on Consumer Protection in Postsecondary Education was held in Denver to discuss model state legislation for the authorization of postsecondary institutions and other measures of student protection. California Congressmen Alphonzo Bell and Jerry Pettis have introduced a bill, the Postsecondary Education Consumer Protection Act; Senator Charles Percy has introduced a similar bill in the Senate. Independent series of articles about proprietary school malpractices in the Boston Globe and the Washington Post have highlighted the failure of accreditation, as well as of state and federal regulation, to protect students. Indeed, they have demonstrated the not infrequent use of the label of "accreditation" as a means to cheat students and entrap them into debt for tuition paid by federally insured loans. House and Senate committees have held hearings seeking better measures of student protection and of institutional eligibility.[2]

Some 25 areas of consumer concern were listed in one paper (Table 1). Denver conference topics included redress, due process, contractual relationships between consumer and institution, advertising and recruitment, financial aid, and the responsibilities and interrelationships of organizations and agencies involved consumer protection. The Bell-Pettis bill sought protection for "students, consumers and...institutions against substandard or fraudulent practices, [and] to provide compensation for losses of Federal...assistance... because of the insolvency of eligible institutions...." Besides a student loan forgiveness clause aimed at cases like Riverside University, the bill

Table 1

Inventory of Educational Consumer Concerns

1. Degree mills.
2. Discriminatory refund policies.
3. Misrepresentation in selling, advertising, promotional materials, etc.
4. Abuse of Federal programs of student assistance.
5. Lack of available jobs upon graduation.
6. Non-delivery of item or service contracted for.
7. Lack of provision for due process, appeal concerning injustices, etc.
8. Arbitrariness in administrative policies and procedures.
9. Severe and unwarranted regulation of student conduct, living arrangements, moral behavior, etc.
10. Imposition of non-educational requirements, such as certain religious practices and customs, upon students who do not wish to fulfill them.
11. Unrealistic academic requirements and practices, such as inaccurate grading systems, residence requirements, etc.
12. Imposition of unwarranted and sometimes unspecified fees and other charges.
13. Changing requirements during the life of the student's "contract" with the institution (e.g. changing degree requirements mid-stream).
14. Raising tuition abruptly and without adequate notice.
15. Excessively punitive charges for infractions such as loss of library books, lab equipment breakage, etc.
16. Holding up transcripts, diplomas, etc., for unwarranted reasons.
17. Lateness in obtaining qualified instructors, textbooks, equipment, classrooms, etc.
18. A host of minor frauds, such as: poor food in dining halls, inadequate academic or personal counseling service, inadequate student health service, listing of non-existent faculty and courses in college catalogs, diversion of institutional resources to inter-collegiate athletics and other luxuries, ineffective management of endowment and other assets, forcing faculty to subsidize education through low salaries, etc.

19. Use of outdated or obsolete equipment, textbooks, laboratories, etc.
20. Showing favoritism to individual or certain categories of students (for example, preferred seating arrangements for seniors at football games).
21. Administrative tolerance of outmoded practices such as student hazing, ritualistic destruction of property, etc.
22. Lack of adherence to promulgated standards, procedures, rules, regulations, etc.
23. Unwarranted substitution of contracted items (such as qualified professors, dormitory rooms, etc.)
24. Taking advantage of students because of their social status by using them as cheap labor, regularly requiring them to stand in long lines for registration, etc.
25. Overdoing the in loco parentis concept by direct and illegal interference with individual freedoms and human rights.

Source: Educational Consumer Issues and the U.S. Office of Education, prepared by AIES for use by the Task Force on Educational Consumer Protection, January 26, 1973, Table I.

would protect the funding of schools whose accrediting agency loses its recognition by the commissioner.

There is little consensus about who educational "consumers" are. Broad definitions are indistinguishable from the "public." We shall define consumers as students.

The Frequency of Student Complaints

There is no central repository for education-related complaints. Government and private agencies have no uniform way of handling them and many are shuttled back and forth inconclusively. In a recent three month period, only 27 of 7,066 letters received by the Office of Consumer Affairs in the Executive Office of the President concerned school practices. Office staff sometimes wrote to a school on behalf of a student, but more often forwarded letters to the FTC or AIES. It was estimated that FTC headquarters has received 50 to 60 educational complaints a month. These were sent on to the V.A., AIES, or to FTC regional offices which receive additional complaints directly, and may prompt investigation and regulatory action. In fifty years the FTC has issued approximately 500 orders against for-profit schools, 80 within the past ten years.

The Neighborhood Consumer Information Center of the District of Columbia, a nonprofit group funded by the Office of Economic Opportunity, received 35 complaints against proprietary schools in a six month period ending October 1973. It referred them to the FTC which took "an awful long time" to act, and to the Department of Justice, which seldom resolved them, because of jurisdictional problems. A staff member noted, "rarely... does a student get a refund of money invested in a worthless education." NCIC checked to see if a school was licensed, but did not contact accrediting associations because "these associations have no power to control the activities of the school."[3]

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Asked how may complaints his office received, a V.A. approvall officer for the District of Columbia replied that it was impossible to say because "We don't keep our records that way. Besides, I'm not sure that kind of information should be made public."[4] A recent study noted that the V.A. "does not record and compile information on veterans' complaints in a systematic way.[5] The Better Business recorded numerous complaints but took little action.

The U.S. Postal Service investigates complaints of mail fraud involving educational institutions and services. Of 152 cases in fiscal 1972, 68 involved correspondence schools and 14, diploma mills. As a result of these investigations, 23 individuals or corporations were prosecuted by the Justice Department and 8 were convicted.

AIES refers student complaints to recognized accrediting agencies for review, possible corrective action and report. Rarely does it forward the complaints directly to the schools or undertake its own investigation. The proprietary school accrediting agencies have accepted OE's intermediary role on complaints that generally involve refund, advertising, and solicitation practices. AIES staff feel that the agencies are prompt and responsive. However, their response has sometimes been so prompt as to arouse suspicion that complaints forwarded by OE receive special attention while the underlying problems remain untouched.

Regional and some specialized agencies have been unreceptive to complaints, regarding policing as incompatible with the outlook of a voluntary association founded on mutual trust. They accept responsibility only for complaints that may affect the continued accreditation of an institution or program. The Puffer report reviewed this policy and recommended no change. The AMA openly advises individuals with complaints to resort to the courts; this they have done in increasing number. To Hefferlin, such a policy

> ...leads to charges that accrediting agencies value institutions above individuals, that higher education is unwilling to govern and police itself in the public interest, and that judicial and governmental intervention is required for consumer protection against colleges and universities....agencies...can demonstrate more concern for individual victims of institutional bungling and for the impact that seemingly small individual problems can have on institutional effectiveness and service.[6]

AIES has spotty contact and no formal liaison with state agencies. It is not systematically informed of changes in school licensure, does not regularly forward complaints to state officials and, in turn, receives less information from them than would be useful. Upon occasion (as in the Riverside University case) effective mutual action has been taken, but many OE staff consider state education officials indefferent to consumer interests because of the lobbying of organized private school groups. This overlooks the fact that much lobbying is undertaken by the very same interests with whose Washington offices OE cooperates. In turn, many state government officials regard AIES staff as allies or captives of accrediting agencies. OE has welcomed the marked strides in the regulation of private schools by Texas, Ohio, Colorado, and other states, but appears to be torn between relying on accrediting agencies, and cooperating more fully with at least the progressive states, which might arouse the enmity of the accrediting agencies. In Texas, AIES staff have been caught in a cross-fire between state officials and HEW regional staff, on the one side, and accrediting agency staff on the other. The distrust between many state officials and accrediting agencies has led each to withhold information from the other (and from AIES) for fear that it will be used against them.

Common Deceptions

Unscrupulous people are adaptable. Close one legal loophole and they will find another. Indeed, only a man who is stupid as well as unscrupulous will resort solely to one loophole: a mouse of normal intelligence has several paths to the kitchen and rats are said to be smarter and bolder. However, four kinds of educational malpractice have been particularly common:

1. Misleading Advertising

This may be illustrated by an ad in the January 4, 1973 Newark Star Ledger by Essex County College. A public junior college which reported some 7,550 students in 1971 and 5,300 in 1973, Essex was accredited for certain nursing and allied health programs by the National League for Nursing and the American Medical Association, respectively, and, in December 1971, became a candidate for accreditation by Middle States:

NOW ... YOU CAN BE A

LICENSED DRIVING INSTRUCTOR

- * Tremendous Opportunity - HIGH EARNINGS!
- * We Prepare You for State License!
- * FEDERAL GRANT Pays Almost All Your Costs!
- * No Need to Quit Present Job!
- * Evening Classes! College Credits!
- * Free Placement!
- * Advanced Courses for Certified Instructors!

What is the job market for instructors? What is the average starting salary? The likelihood of advancement? Are there other requirements for licensure? A federal grant for everyone--or loans that must be repaid? Can a student taking this course earn transfer credits toward a college degree? What is the Essex placement record? Is its placement service free to the taxpayer? Is it not paid for, in part, by student tuition?

2. Recruitment

The Famous Writers case (see appendix) sets out many of the misleading soliciting practices of proprietary schools. Common offenses include high pressure sales pitches by commissioned salesmen who misrepresent the availability of jobs for graduates, starting salaries, transferability of credits and the value and quality of training. Coupled with misleading advertisements and bogus "aptitude" or "talent tests," these marketing methods have stigmatized many for-profit schools.

Because of the recent financial crunch and the resulting "search for warm bodies" to fill schools,[7] the hard-sell recruitment practices, inflated claims, and lowered standards of certain proprietary schools are becoming more familiar among higher educational institutions. A drop in enrollment can spell the difference between prosperity and belt-tightening for a nonprofit as well as a for-profit institution. "Our admissions offices must become sales offices....Salesmanship and marketing is the name of the game for the next few years," American University vice president John McKinley states.[8]

Traditionally, college admissions officers considered it normal and ethical to pay fixed salaries, avoid invidious comparisons with other schools, and offer no fees for referrals to high-school personnel or commercial placement services. Now, many colleges have broken these rules and new rules to restrain competitive recruitment have yet to be formulated. The efforts, during the winter of 1973-74, to lure students from fuel-short New England colleges to Florida will not soon be forgotten.

3. Completion and Job Placement

Public and nonprofit institutions offering vocational training should, like proprietary schools, help students to qualify for available jobs. Complaints from computer and health program graduates have centered on problems of finding work and the schools' lack of placement assistance. In the computer field, vocational students are often led to believe that they can qualify for positions which require a college degree. Most hospitals and physicians will hire graduates only of programs accredited by the AMA, not rival programs accredited by proprietary school agencies.

Most agencies accrediting proprietary schools, but few accrediting other schools, obtain confidential data on student completion and placement rates.

4. Refunds

Traditionally a problem of proprietary schools, tuition refund policy may well become a problem of colleges and universities--particularly, of those which have emulated the merchandizing methods, but not the honest business and tax status, of proprietary schools. Since refund policies are formulated by schools, they favor schools rather than students. More precisely, since all schools that survive must, sooner or later, one way or another, balance their books, their refund policy may favor students who remain enrolled over those who drop out.

Students Are the Prime Concern of No Agency

No national agency devotes itself exclusively to protecting the interests of students against the abuses of educators. The V.A. approximates such an agency, but it is concerned solely with veterans and is as concerned to see that they obey government regulations as that schools do. The FTC is concerned only with the unfair practices of proprietary schools engaged in interstate commerce. OE has, to date, attempted to protect students largely through the officies of accrediting agencies, which have limited power, resources, and interest in policing their members.

Veterans Administration

An August 14, 1972 Washington Post advertisement for the Department of Agriculture Graduate School stated, "We are approved by the Veterans Administration." The V.A. does not approve schools; state agencies approve courses. Students who do not know that are misled.

State approving agencies are required to determine if the Federal Trade Commission has ordered a school to cease and desist from any practice, and to give that order "due weight"; but they need not and normally do not inform veterans about such an order. Counsellors tell a veteran only if a school is approved:

> A veteran won't be told if an "approved" course is recognized by employers as offering the quality or quantity of training needed to equip a prospective employee. He won't be told about the job market in a particular field. Counselors refuse to discuss advertising claims of various schools, and they will decline to say whether a school has been in trouble with the law.[9]

Some approval agencies have taken special measures to protect veterans. A May 1971 V.A. circular cautioned agencies to check that curricula were adequate to accomplish their objectives, that qualified instructors were employed, that courses qualified graduates for employment, and that a substantial number of graduates were placed in jobs for which they were trained. To comply, the Minnesota approving agency promulgated criteria which included a requirement that accredited as well as unacredited schools gave pro-rata tuition refunds. Public as well as private schools had to certify that, during the preceding two years, at least 51 percent of the graduates of approved courses were employed in the occupation for which they were trained.

The Texas Proprietary School Act of 1971 requires of each approved school a uniform pro-rata refund policy, with refunds to be made within 30 days of termination, an interruption policy for unsatisfactory attendance, and the posting of a $25,000 bond. Some 85 percent of schools were asked to change curricula, course titles, equipment or staff before approval was granted under the new law. Schools were also asked to adjust the length and content of courses to reflect more accurately the time it would take students to graduate. The $25,000 bond proved too high for small schools; 1973 legislation permits a $5,000 bond for schools whose tuition never exceeds this amount.

In most states, veterans approving agencies serve to advise and protect veterans better than nonveterans paying the same tuition to attend the same schools and classes.

Federal Trade Commission

FTC regulatory authority is limited to for-profit schools engaged in interstate business, which includes schools that advertise and attract students accross state lines. Though 10 percent of FTC resources may be devoted to regulating such schools, until recently the commission had formulated no policy regarding them since its 1936 Home Study Guides, which did not quite succeed in purifying that trade. Litigation against individual schools has had little effect on the industry as a whole; cease and desist orders against small schools were disproportionately expensive and difficult to enforce. Law suits against large schools could be protracted, and a criminal contempt citation for noncompliance was rare.

Change may be in the wind. In May 1972, the commission published its long-awaited and much debated revised Industry Guides for Private Vocational and Home Study Schools. The guides, mostly drawn from past FTC orders, did little more than codify accepted standards of conduct. However, they did clarify the concerns of the commission.[10]

Greater selectivity in litigation and more emphasis on affirmative disclosure appears to be emerging. In 1972, the FTC accused three large computer training schools, Electronic Computer Programming Institute of New York, the Control Data Corporation of South Bloomington, Minnesota, and Lear Siegler of Santa Monica, of false advertising and deceptive selling practices in misrepresenting the number of jobs available and the salaries paid to graduates. Proposed cease and desist orders required disclosure of job placement percentages, names of employers who hired graduates, and starting salaries. Violators were subject to orders requiring tuition refunds to students who were led to enroll by such misrepresentations. A similar order against Career Academy one year later asked for affirmative disclosure of the three-day cancellation clause.

Since May 1972, when a preliminary policy statement on the subject was issued, the FTC has been investigating dropout rates, administrative cost variables which affect refunds, and how industry might recover a fair portion of its costs without charging for education not given. Staff feel that a pro-rata rule would help to correct many abuses--and would be strenuously opposed by the industry.

The issue was joined in August 1974, when public notice was given of the FTC proposal to issue a Trade Regulation Rule which would require proprietary vocational and correspondence schools: a) to make no claims about the jobs or salaries available to their graduates without detailed substantiating evidence on the actual employment of recent graduates; (b) to disclose to each person signing an enrollment contract the school's dropout and placement record and, c) thereupon, to give him a ten day period within which he must postively reaffirm his enrollment; and d) to provide pro-rata tuition refunds to all students who drop out before completing their course and to disclose that policy to all enrollees.[11]

The Office of Education

Refund problems often emerge when OE collection staff receive the complaints of students who have defaulted on their loans. AIES receives copies of these letters and often transmits them to accrediting agencies for investigation.

The initial refund policy for the guaranteed loan program, adopted in 1968, stated that "...the Office of Education shall follow the Veterans' Administration precedent and accept a school's accredited status as qualification without examination of refund policy...."[12] Thus, OE rejected a common refund policy for students at accredited as well as unaccredited schools, a position which, in effect, granted accredited schools the right to keep some tuition that unaccredited schools had to repay.

In time, OE became aware that lender schools were giving dropouts the lowest possible tuition refunds while demanding from them the largest possible loan repayments.

AIES has asked, albeit feebly, that recognized agencies adopt a refund policy, if only the policy of allowing each school to set its own policy. By April 1970, only the proprietary school agencies had adopted minimal refund policies, weighted in favor of the schools. The AIES Advisory Committee thereupon recommended that the commissioner urge "the regional accrediting associations to investigate this matter...and establish criteria relating to refund policites...." The regionals strenuously objected, responding that the enforcement of such a policy would be alien to their nature. Three months later, the committee retreated, stating that it "will neither propose nor recommend a specific refund policy or formula...for nationally recognized accrediting agencies..."

In an April 1972 communication to Congressman John Brademas, AIES reaffirmed this position, pointing to the constraints of governmental intervention in the internal operations of voluntary associations and the uncertainty of its regulatory authority. Its stance has been that the quality of education is, or may be, affected by withholding such refunds, discriminatory practices, and misrepresentation in advertising and recruiting and that recognized agencies should formulate and uphold ethical standards. The position has been so vacuous that the Devil himself could uphold it.

Accrediting Agencies

Institutions, schools, and departments, not students, are the constituents of accrediting agencies. The agencies publish only the names of currently accredited schools, not those which seek but are denied accreditation, nor, with a few exceptions such as the American Bar Association and the National League for Nursing, the names of unaccredited schools. Schools placed on probation or threatened with a loss of accreditation are not normally publically distinguished from those which are accredited in good standing.

Accrediting agencies are not policing bodies. They make an overall judgment about whether a school or program meets the bulk of their standards, and that is their major judgment. They do not monitor and enforce obedience to all standards or the degree of compliance with any single standard. They do not disclose the standards with which a school does not comply. They do not exist to represent students and defend their interests. It is not their obligation to see that a school abides by any limitations or conditions which the government may set for its continued eligibility. Upon occasion, eligibility has been extended to unaccredited schools and programs by improper or dubious means. Yet the policing prowess of accrediting agencies is so slight that, coupled with OE's slight capacity for independent enforcement, much mischief has occurred before the situation was rectified. Thus, at Riverside University, students in an ineligible program were granted loans through an eligible, accredited program. (OE is supposed to rely on institutional, not program, accreditation but that was not the case here.) In Texas, some accredited schools extended loans to students at unaccredited schools. At least two regionally accredited colleges have been involved in similar transactions. In 1969, a now defunct company developed a home study course in insurance underwriting. Unwilling to wait the years necessary for accreditation by the National Home Study Council, company officials contracted to serve as an extension division of accredited Tahoe College, California (since closed). Extension students thus received guaranteed loans and (for a fee) college credits. When this arrangement fell through, a similar agreement was concluded with a small midwest college accredited by North Central.

Realizing that such an arrangement offered eligibility without independent accreditation, as well as college credit for correspondence work, at least four corporate chains sought similar contracts with the college. Initially, OE honored loan applications from the college's "Center for Continuing Education". In December 1970, AIES director John Proffitt asked North Central if it was appropriate to extend institutional accreditation to the new program, if a nonprofit college should adopt the home study program of a for-profit company, and if regional standards were applicable to a program employing commissioned salesmen. Subsequently, OE froze over $200,000 in loan applications and suspended eligibility for extension program students. Proffitt requested a North Central investigation and, when the first team found no problem, asked for another. The second team's recommendations led subsequently to a FRACHE warning against the inappropriate use of regional accreditation to "authenticate courses or programs offered under contract" by unaccredited organizations.[13]

Accreditation is a reliable indicator neither of institutional integrity nor viability. Accrediting agencies are concerned about financial stability but this can be difficult to diagnose and both accredited nonprofit and for-profit institutions have collapsed. Jackson Commercial College of Jackson, Mississippi was evaluated by ACBS in August 1972--and declared bankruptcy nine months later, following an OE request for repayment of $21,000 in tuition refunds. At the time of its closure, 95 percent of 190 students held insured loans worth over $200,000.

Measures of student protection by either an accrediting or governmental agency can require a difficult balance between discipline and tolerance of an offending school. A good example involved Cortez W. Peters Business School of Washington, D.C., founded in 1934 by typing champion Cortez Peters as the nation's first black-owned business school. Enrollment began declining after the 1968 riots. The school continued to flounder despite an infusion of over $1 million in federal aid, three changes of location, and an eleventh-hour $175,000 contract from the Office of Minority Business Enterprises for outside assistance.

In 1972, thirty Cortez Peters students sought help from the Model Citizens Consumer Protection Center, which found that "half the classes didn't meet, the dorms didn't exist, and three-fourths of the students were on the verge of being put on the street." Under these conditions, should the students sign for government loans that would enable the school to struggle along? The People's Development Corporation argued that "...the school will eventually go into bankruptcy and...students will be misled and disappointed by the temporary continuation of a failing, second-rate school."[14]

In March 1973, Cortez Peters' financial adviser Donald Abelson said that he would have put the institution into bankruptcy, but this would cost its accreditation, and, thereby, students' eligiblity for federal aid. He noted that the school had already lost its District of Columbia license. During an accrediting visit in June 1973, a dozen students demanded that the school's accreditation be rescinded and that it be forced to "close down forever."[15]

ACBS had put Peters on probation in 1969 but relented after the Small Business Administration promised support for the school. It suspended accreditation in July 1970, and put the school back on probation

6 months later. When its April 1971 notice of the withdrawal of accreditation was appealed, the Office of Minority Business Enterprises testified for the school and ACBS granted a nine month extension of accreditation. Throughout this period, OE funding continued because of a due process complaint lodged by the school against ACBS procedures. Learning from the newspaper that the school had lost its license, AIES staff moved to terminate eligibility. In June 1973, the school's accreditation was revoked and then reversed on procedural grounds. In October, the school moved to the Marjorie Webster campus. In December, alas, accreditation was lost again. School officers made "last minute efforts to stave off a closing by getting student loans to last until the school can apply for reaccreditation in April." Abelson attributed disaccreditation to the school's past financial problems, not its educational weakness. Student James Thomas said, "We're a black school and obviously somebody is trying to do us in because of that."[16]

The opposite was, of course, more true. The problem of educational standards and student protection is not black and white. In this and other cases, accrediting and government officials have leaned over so far backward, out of mercy, that no meaningful standard of eligibility or of student protection remained. Justice should be tempered with mercy but mercy is not all there is to justice.

Conclusion

Students have received billions in federal funds for education and training, but the government has done far less that it should to help them spend these funds effectively. In part, this seems due to limited information and counselling services; in part, it seems deliberate, as if helping students to choose schools intelligently would restrict their freedom of choice and the freedom of schools to corral them, like free-ranging sheep.

Each government agency deals at best with a part of the problem and all of the parts do not cover the whole. Accrediting agencies are one of the thinnest reeds for students to lean upon. It would be useful to set up a central unit, perhaps in a Consumer Protection Agency which may emerge one day, and assign it primary responsibility to serve student interests and corrdinate the related efforts of other agencies. Why not a unit in the Office of Education? Because OE's efforts on behalf of students have, like those of accrediting agencies, been decidedly unimpressive.

Notes

1. Federal official who may not be identified.

2. The Pettis-Bell bill was introduced December 12, 1973 as H.R. 11927; the Percy bill on September 17, 1974 as S. 4014. The *Boston Globe* articles were reprinted in the *Congressional Record*, daily edition, April 4, 1974, pp. S 5235-49; the *Washington Post* series, June 23-26, 1974, was also reprinted in the *Record*. Hearings on proprietary schools were held by the Special Studies Subcommittee, House Committee on Government Operations, in July 1974 and on broader issues of institutional eligibility and accreditation by the Special Subcommittee on Education, House Committee on Education and Labor, in July and by the Subcommittee on Education, Senate Committee on Labor and Public Welfare, in September.

3. October 29, 1973 letter to Jean Levin from Jerome Clair, Neighborhood Consumer Information Center.

4. John Aquilino and James Norell, "Welcome Home Soldier Boy," *Washington Star and News*, October 8, 1972, p. 20.

5. *Final Report on Educational Assistance to Veterans: A Comparative Study of Three G.I. Bills* (Conducted by the Educational Testing Service, Princeton, NJ.J..), Submitted to the Committee on Veterans' Affairs, United States Senate, 93d Congress, 1st Session, September 20, 1973, p. 253.

6. J.B. Lon Hefferlin, *Cut-Rate Credits and Discount Degrees*, Center for Research and Developemnt in Higher Education, University of California, Berkeley, September 1972, p. 94.

7. See Stephen Joel Trachtenberg and Lawrence C. Levy, "In Search of Warm Bodies," *Change*, Summer 1973, pp. 51-57.

8. As quoted by William Delaney, "City's Private Colleges Fear Money Woes," *Washington Star and News*, September 14, 1972, p. C 3.

9. Aquilino and Norell, *op. cit*., p. 16

10. "Guides for Private Vocational and Home Study Schools," Federal Trade Commission, promulgated May 16, 1972, effective August 1972. The guides define an industry member as one "engaged in the operation of a privately owned school which offers...training purported to prepare or qualify individuals in any occupation or trade, or in work requiring mechanical...skills or which is for the purpose of enabling a person to improve his appearance, social aptitude, personality or other attributes..." The definition excludes accredited for-profit schools which offer two year programs "acceptable for credit towards a bachelor degree." Principal provisions state that a school should not misrepresent its facilties, equipment, qualifications for enrollment, the qualifications of instructors, or future employment opportunities for graduates; should not offer any degree not authorized by the state or approved by a recognized accrediting agency, unless it clearly discloses that fact; and should not misrepresent the extent or nature of its accreditation or approval. Advertisements for unaccredited programs should conspicuously disclose that they are not accredited. Before signing up a student, the school should affirmatively disclose its standards for satisfactory progress, any fees not included in the contract price, and the nature of its placement service. Other guides discuss deceptive sales practices, pricing, and collection or credit practices.

11. See *Federal Register*, August 15, 1974, pp. S 29385-90.

12. "Policy of the Office of Education Regarding Refund Policies of Schools under GSLP, and Regarding Accrediting Organizations, Criteria Pertaining to School Refund Policies," December 20, 1968.

13. Robert Jacobson, "Accreditors Set Quality for Offbeat Study." *Chronicle of Higher Education*, May 7, 1973, p. 1

14. Eugene L. Meyer and J.Y. Smith, "OEO Ends Backing of D.C. Program College Loan," Washington Post, March 5, 1973, p. C 2. In fiscal 1971, students received $92,000 and in 1972, $208,000 in NDSL and Work-Study Assistance. The remaining students were on insured loans.

15. Eugene L. Meyer and Frank Jones, "Cortez Peters Students Ask Business School be Close," Washington Post, June 5, 1973, p. C 1.

16. Eugene L. Meyer, "Accrediting Lost, School Near Closing." Washington Post, December 12, 1973. p. B 1.

L. Accreditation and Eligibility

Summary

There are almost as many different systems of determining eligibility for postsecondary programs as there are programs. Many systems rely on obscure, ad hoc judgments by state and federal staff as well as upon the lists of accrediting agencies. Few programs have relied as heavily upon accreditation as has OE in administering guaranteed loans to students.

In 1971, the OE system was attacked by the Newman committee, a group with an attentive audience in the HEW Secretary's office, which proposed that, instead of relying on accreditation, OE set independent institutional eligibility standards administered by a national commission. Eligibility would be based largely upon the voluntary annual disclosure of an institution's costs, faculty-student ratio, dropout rates, and other information helping students to make an informed choice.

The advantages and disadvantages of relying mainly on accrediting agencies, state agencies, and OE staff are summarized. Those of relying on a new commission cannot be assessed without knowing its composition and mode of operation: they could be admirable or disastrous.

The use of accreditation as a condition of participation in federal postsecondary programs is less widespread and exclusive than cursory examination (or excessive concentration on the activities of AIES) may suggest.

In some important programs, accreditation is completely disregarded. This is true of most research and development programs, under which over $2.5 billion were obligated in 1971 by federal agencies to some 577 universities, colleges, and affiliated research centers. It is true of programs aiding American students to attend foreign institutions. Thus, the federally insured student loan program, which relies heavily on accreditation domestically, necessarily disregards it for students attending hundreds of foreign institutions whose eligibility is determined by OE staff. Accreditation is also disregarded in various Department of Labor manpower training programs for which many unaccredited vocational schools have qualified.

In a second set of programs affecting large numbers of students, accreditation provides only one avenue of eligibility, the other avenues often being the determination of state officials and occasionally of federal agency staff. Examples are the educational aid to veterans and to social security beneficiaries which, with insured student loans, now constitute the three largest programs of federal aid to postsecondary students. A similar system operated from September 1940 through the end of the 1970-71 academic year to determine the eligibility of college students for temporary deferment from the draft.

Finally, there are the programs which place primary reliance on accreditation or closely related alternatives. According to an analysis prepared by Richard Fulton, these are mainly "institutionally-based or oriented programs" administered by the Office of Education, originating in the 1958 National Defense Education Act, and hinging eligibility upon accreditation or three letters certifying the acceptance of credit by accredited institutions of higher education.[1] Students attending proprietary schools were included in these programs under the terms of subsequent legislation. But no alternative routes of eligibility were extended to proprietary schools whose eligibility thus hinged exclusively on accreditation. This dependence was accentuated by OE policy requiring schools which, in the absence of a cognizant accrediting agency, had been rendered temporarily eligible by certain approved state bodies, to become accredited or lose their eligibility as cognizant agencies were recognized by the Commissioner of Education. Thus, OE has not merely utilized accreditation as one means of eligibility: it has actively promoted it as the only means of eligibility for proprietary schools.

Programs under which postsecondary institutions, staff, or students have received funds, privileges, or other benefits from federal agencies have been so numerous, varied, and changeable that it is fruitless to examine them all. Nonetheless, the following generalizations may be offered about the major programs--major in dollar magnitude and the number of students and institutions involved.

All federal programs have a number of institutional eligibility provisions enjoined by statute or regulation, of which accreditation is at most one. Other common provisions include legal authorization to operate; public or nonprofit status; the offering of specified kinds of instruction (e.g., "postsecondary," "collegiate," or "graduate"); compliance with the 1964 Civil Rights Act; and various financial, record-keeping, and reporting requirements.

Eligibility affords an opportunity, but not necessarily an assurance of institutional benefit. Insofar as the likelihood of benefit is slight, so is the significance of eligibility. Thus, most legally authorized organizations--public, nonprofit, or for-profit; postsecondary or secondary; educational, manufacturing, or governmental--are eligible to receive research funds from most federal agencies, but, in fact, comparatively few receive large sums. Since eligibility is so accessible, it is worth little and the conditions of attaining it have (deservedly) received little attention:

eligibility has simply been tuned out as a policy issue or a factor of concern to the consumers or dispensers of research funds. Of course, other factors affecting research allocations (such as the purposes and levels of agency apprcpriations, the composition of advisory panels, the value of different kinds of research and research institutions, the effects of research on education and the economy, the degree of geographic and institutional concentration, etc.) have been the subject of enduring controversy.

The programs in which institutional eligibility has been defused as an issue[2] appear to have another common characteristic: decisions are fragmented and dispersed (among many state officials or national program staff) and the grounds of decision are thereby obscured, ad hoc, particularized, and changeable They involve scattered judgments about individual situations rather than, as in accrediting, more centralized, durable, and public judgments about general standards and conditions. Dispersed, diverse, ad hoc decisions do not produce as reliable and comparable information about educational institutions as centralized decisions based upon publicly enunciated standards. Nor are they meant to. State officials are supposed to approve courses for individual veterans, and research officials, projects for individual investigators, not to vouch for the quality and probity of institutions as a whole. Claiming less, such a system also damns less (or hides more), and is, thus, less vulnerable to criticism based upon readily available public knowledge. It is even difficult to obtain complete and reliable lists of the institutions benefiting from these programs (except for research programs, where, after this information had been held in confidence for many years, such lists were published as a result of congressional action). Available lists have been prepared primarily for the use of agency staff, are often dated, fragmented, and visibly not for public show: their very format bespeaks their tentativeness and changeability, and officials are ready to admit possible error by their often lowly, overworked staff. In contrast, the designation "accredited" and the lists of schools so marked are widely distributed and utilized. Whatever else they may reveal or conceal about accredited schools or programs, accrediting agencies are not reticent about their names, which are incorporated in many cheap and expensive, popular and scholarly reference works. Lists are printed in large quantities, and the current status of any school can be determined unequivocally by a phone call to a single responsible agency.

Unfortunately, unequivocality has its political drawbacks. When a single eligibility provision almost automatically yields great benefits, it is likely to receive attention commensurate to the benefits which are thereby bestowed or denied. Something of the sort has happened to the accreditation provision governing the eligibility of postsecondary institutions to participate in many Office of Education programs.

Eligibility for OE programs is not important to all institutions. Many which are eligible have received no funds; others which, upon becoming accredited are advised by OE of their likely eligibility, have not even bothered to submit the forms necessary to obtain it. For example, public vocational schools with no, or very low, tuition and a local student body which lives at home may have little need to participate in the insured loan program. Despite high tuition, certain proprietary schools (e.g., in a field like welding) with a limited capacity, good reputation, and high demand for their graduates have had no interest in eligibility. Some private schools with "old-fashioned" owners have disdained either accreditation or eligibility, in order to maintain their independence and avoid the snares of a private or governmental bureaucracy (including the requirement of nondiscrimination).

But for many schools, eligibility for certain programs, and especially for insured student loans, can make the difference between success and failure or, at least, between economic viability and duress. And that difference can be determined by initial or renewed accreditation by an agency recognized by the Commissioner of Education.

To single out proprietary schools for special attention is to invite trouble, yet not to do so is to avoid a manifest and central aspect of the eligibility problem. Proprietary school representatives are rightly sensitive to any invidious comparison with public or nonprofit schools and to certain kind of discriminatory treatment in government educational policy (not all kinds, because the legal, tax, and philosophical distinctions between for-profit, nonprofit, and public institutions can require corresponding policy distinctions; to date, for-profit schools have sought inclusion only in government programs aiding students, not institutions). Yet proprietary schools constitute the most numerous, most volatile, and least known group of schools whose eligibility must now be determined in student aid programs. They are also that portion of the postsecondary universe which is least well covered by accrediting agencies, directories, statistical series, or research monographs, and least well represented by comprehensive national associations. An eligibility system that fai to deal adequately with proprietary schools will be an inadequate system; yet, on that test, neither the system of veterans state approving agencies nor that of recognized accrediting agencies can be judged fully adequate.

The veterans system embraces more schools in more states and may provide better protection for the federal dollar in matters (such as pro-rata refunds and scheduled hours of instruction) which can be prescribed in regulations and enforced by monthly attendance reports (if they are honest) and on-site inspections two or three times a year (if the inspectors are perceptive and school officials not deceptive). Close to the scene, state officials can be better informed about the frequent changes in the management and programs of proprietary schools than accrediting agency staff in Washington, and can give at least some personal counsel and protection to individual students. But fifty state agencies mean fifty different educational standards;[3] and, in a good many states, standards are low and the staff are appointed because of their political rather than professional qualifications. A number of states still have no licensing requirements for any, or for certain categories of, schools. Government officials (state or federal) can define, defend, and enforce objective standards (such as those governing fire safety, toilet facilities, lighting, square feet of floor space per student, hours of instruction in given courses, minimum bonding requirements, or the qualifications of instructors) more readily than subjective standards of educational quality.

The private status of accrediting commission members enables them to make precisely these important but subjective judgments of educational quality which the very same individuals would have difficulty pronouncing as government officials. Officials are supposed to operate by even-handed rules, whereas private citizens are entitled to their own opinions. The minimum educational standards of agencies accrediting proprietary schools are, it is generally agreed, higher than those usually resulting from state licensing or veterans approving regulations; and they are national standards. In addition, the nonprofit organizations under which these accrediting agencies operate serve as sources of information about, national spokesmen for, and, of course, propenents of improved eudcational and business practices for proprietary schools. However, these agencies are plainly held in less respect by many state officials, the heads of unaccredited schools, and such arbiters of status as we may have in American education[4] than the regional associations or the more august, if stodgy, agencies accrediting professional programs. As representatives of avowed business enterprises, they are regarded by many observers as trade associations and they must (like the American Medical Association) live with the constant danger that a court will find them guilty of restraining trade and promoting monopoly, a danger enhanced by the Office of Education's policy of favoring only one agency in each field of accrediting. As the Marjorie Webster case demonstrated, the danger also exists for agencies accrediting nonprofit institutions.

Accreditation plainly does not suffice to ensure that a dollar **spent** at any school--public, nonprofit, or for-profit--will be well spent. Proprietary schools have been involved in flagrant offenses in deceiving students and failing to give them the education which they have been led to expect. Proprietary schools are named in the vast majority of student complaint which have come to the attention of the staff of veterans approving agencies, consumer protection agencies, and the Office of Education. Students at accredit proprietary schools have also been responsible for a disproportionate share of the defaults in the insured loan program.

None of this implies that accredited universities and colleges are guiltle of wrongdoing and deception or deliver a dollar in educational value for every dollar they receive. Quite the contrary. Deceitful advertising, aggressive and misleading recruiting, the watering of educational standards, financial instability, and even open fraud are evident and seem to be spreading in many colleges and universities. Accreditation is no more of a guarantee against malpractice in nonprofit than in for-profit education. Why, then, do for-profit schools receive more than their proportionate share of student complaints and pose more than their share of eligibility problems?

The special problems of proprietary schools are the obverse side of their special virtues. Proprietary schools offer practical, no-frill preparation in definable skills for identifiable occupations. Their implicit educational contract is: "For N dollars, X hours of honest instruction to an honest student will produce a secretary, mechanic, computer programmer, barber, or laboratory technician qualified to earn Y dollars." That is a contract which can be tested against reality; and it is not surprising if, in many cases, it is found wanting. (It may be the fault of distant corporate officers, local proprietors, recruiters, students, the economy, Occupational Outlook Handbook forecasts, the American instant-success syndrome, or all together in some measure). Liberal higher education has no such clear contract with its students and, therefore, none which can be clearly breached. Is college a place of preparation for work or life, for study or relaxation, a place to consume midnight oil or beer, to acquire skills or maturity or friends, to learn practical or fine arts, English or gobbledygook? The diverse, unformed, and conflicting purposes of colleges and their students can be a protection against consumer complaints (though not against other forms of protest, injustice, dishonesty, waste, and educational failure).

Viewed solely as a practical way of distinguishing better from poorer schools or, to be more exact, schools whose minimum standards have, or have not, been certified by a qualified body, accreditation is a piece of information that has proved useful for many purposes. It does not, however, serve to distinguish all minimal-standard schools from those which lack these standards, in either the degree-granting or the proprietary, non-degree-granting sector of postsecondary education.

Of the 2,738 degree-granting institutions of higher education listed in the 1973-74 Higher Education Directory, over 2200 or 80 percent were fully accredited by regional commissions while more than 350 or 13 percent held "candidate" status; only 7 percent (about 190) were neither accredited nor negotiating for accreditation.[5] Thus, regional accreditation has virtually lost its power of discriminating among higher educational institutions, especially those with a large enrollment. It would be redundant as an eligibility requirement in any program restricted to degree-granting institutions enrolling 2500 or more students.

The contrary situation prevails among proprietary schools. Here, accreditation takes in too small a proportion of the total universe--in mid-1973, perhaps 1700, or from 28 to 17 percent or less of the universe of 6-10,000 or more schools (it is a pulsating universe, which expands and contracts perennially, according to the definitions employed, public policies, and economic circumstances). In certain states, the number of accredited schools has been too small to meet public needs. For example, in early 1973, 21 states had two or less accredited trade and technical schools and 7 states, two or less accredited business schools. Nationally, goodly numbers of reputable proprietary schools (not to mention public and nonprofit vocational schools offering similar training) remain unaccredited. They are therefore ineligible for OE student aid programs, though many have participated satisfactorily in vocational rehabilitation and manpower training programs administered by individual contracts--i.e., state vocational and employment office staff have monitored their training and job placement performance and found them satisfactory.

The government may, with due process, reasonably oblige all citizens, or certain categories of citizens (picked fairly, and on a nondiscriminatory basis) to register for the draft, to pay taxes, and to obey ten thousand laws. Is it right for the government to compel private citizens to apply to a single private agency in order to receive a public benefit? That is the present OE policy for proprietary schools. Some Office staff have gone so far as to urge school owners to apply for accreditation, thereby acting as promoters and recruiters for accrediting agencies. Such practices are questionable, if not improper, but they are a natural consequence of OE eligibility policies that offer proprietary schools no alternative to accreditation by a single agency. Higher educational institutions have had at least the alternatives of "reasonable assurance" of accreditation and of the three-letter certification of credit, which have been inapplicable to proprietary schools. Equity would call for the provision of comparable alternatives to unaccredited proprietary schools. Fuller equity (as well as the maintenance, or restoration, of an accreditation system that is truly voluntary) would call for the provision to any postsecondary institution of one or more genuine alternatives to accreditation by a single recognized agency.

The Newman Proposals

A major challenge to the OE system of basing eligibility heavily upon accreditation was issued by the Newman committee in a 1971 draft report on Accreditation and Institutional Eligibility that, courtesy of the xerox machine, soon circulated like wildfire throughout the accrediting community. Chaired by Frank Newman, a Stanford University official, and financed by the Ford Foundation, the committee was initiated by HEW Secretary Finch and two of its members, Martin Kramer and Russell Edgerton, were on the secretary's staff. Thus, even its preliminary views were worthy of close attention. A 1973 report restated its recommendation that eligibility be divorced from accreditation and based upon "an institutional disclosure statement that provides more useful information for the potential student...and an administrative judgment that an institution has the capacity to perform its stated mission."[6]

The draft report attacked the accrediting of higher educational institutions and programs as self-interested, without due process, and educationally conservative. To judge from the response it elicited, it was seen as an attack particularly on the regional associations. Certainly, the report attacked the goals and standards of traditional higher education at one of its weaker points, for accrediting agencies are not beloved; their technical weaknesses must be confessed by their staunchest supporters and they are far easier targets than the great private or public universities, community colleges, or institutions catering to blacks, city residents, or other identifiable and voting constituencies. The report contained the following recommendations:

Recommendation I: National Standards for Institutional Eligibility

....Standards for eligibility should not involve standards of educational quality but a determination that:

(1) an institution is financially responsible, and thus can be held accountable for investments of student resources and public funds

(2) the recruitment and public information policies of an institution present an honest and accurate picture of its educational programs and performance

(3) an institution makes available a prospectus on its financial and educational status, so students and other interested parties can decide on their own whether the institution meets their needs, interests and is worthy of an investment of time and money

(4) an institution conducts a program of some educational value for some clients.

Recommendation II: Disclosure and consumer protection

....The prospectus of corporations under the Security and Exchange Act offers a precedent and an analogy for what we have in mind....we recommend that as a condition for establishing eligibility for Federal funding...all post-secondary institutions be required to publish an annual prospectus which would include such data as faculty-student ratios, costs of instruction, and attrition rates,...all institutions receiving Federal funds should be legally accountable for the completeness and truthfulness of the prospectus, and we favor a requirement that the prospectus be made routinely available to students upon application for admission to the institution.

Recommendation III: New criteria for recognition

....organizations would no longer be recognized because they are reliable authority as to the "quality of training" offered by an educational institution....Instead, the Federal government would recognize organizations solely on the basis of their being reliable authorities as to whether institutions meet the minimum national eligibility standards....only agencies which sought to determine eligibility for entire institutions rather than programs within institutions would be recognized....we see considerable merit in...enabling particular institutions to be able to choose among several different and competing agencies for the purpose of being evaluated for eligibility....

Recommendation IV: A National Commission on Institutional Eligibility

...we recommend that there be established a National Commission on Institutional Eligibility which would be authorized to perform the following functions:

(1) investigate and act upon appeals from institutions which have been denied eligibility for Federal funds

(2) investigate and act upon complaints and recommendations of Federal and state agencies for terminating eligibility of institutions

(3) directly grant eligibility to an institution which does not fall within the purview of an agency recognized to determine eligibility

(4) investigate and act upon allegations that non-profit groups such as accrediting arms of professional societies are acting in violation of anti-trust laws or new legislation...outlawing restrictive practices of non-profit groups....

> *Recommendation V*: New Federal authority to deal with the restrictive practices of non-profit groups
>
> ...We assumed initially that the activities of these groups would fall under the scrutiny of the Federal Trade Commission or the Department of Justice. Yet further investigation revealed that neither of these agencies is willing to move into this area....Accordingly, we recommend that new legislation be enacted which clarifies the law relating to the restrictive practices of non-profit organizations and empowers the Federal Commission on Institutional Eligibility to investigate and act upon cases of violations involving specialized accrediting agencies.
>
> *Recommendation VI*: Research and planning grants for new modes and mechanisms of accreditation
>
> ....we recommend that the Federal government provide research and planning grants to support part of the costs of launching new experimental accrediting mechanisms....we recommend that experimental accrediting mechanisms be genuinely new institutions, acting in cooperation with but not dominated by existing agencies, staffed by individuals who are unconstrain by traditional assumptions of what higher education is *or* should be. The new entrepreneurs in these sectors can provide the core of leadership required. A strong and innovative system of accreditation for post-secondary education will be a competitive one.[7]

The outrage that the draft evoked from accrediting agencies, especially the regionals, was partly due to the tone and content of the text. This charged that accrediting agencies had used their monopolistic powers without public accountability, private appeal, or due process to "homogenize" higher education and "stifle innovation and limit competition." Against "The Gentle Reexamination" being undertaken by the accrediting establishment, which might lead to modest reform and reorganization, the committee proposed the bolder "strategy of innovation" of its recommendations. There were notable gaps in the draft. Although much of the text was highly critical of the restraints on entry to professional and subprofessional practice exercised by professional agencies, five of the six recommendations were directed at institutional accrediting agencies. (The sole exception was the very interesting, if not very clear, proposal for new federal authority to deal with the restrictive practices of nonprofit groups, particularly "specialized accrediting agencies" depicted in harsh terms that contrasted with "benign trade associations.")

The committee ducked the issue of minimal educational quality and--an astonishing feat for a group concerned with eligibility and consumer protection--had nothing whatsoever to say about the problems of proprietary schools.

The comments we have seen from staff of the regionals corrected such errors as the charges about the absence of appeal procedures, due process, or the homogenizing effects of accreditation. Could nine million students at 2,700 institutions be emulsified by the Nazi legions, let alone twenty or so professional staff of seven higher educational commissions? If there is any sameness to our students and their institutions, it must be caused by larger forces unlikely to be undone by a thousandth effort at "innovation". But outrage was not due only to errors, and staff spoke favorably of most of the recommendations. The heart of the matter was the recommendation for a National Commission on Institutional Eligibility, which was seen as competing directly with the regionals and, thus, as a direct threat to their existence. Robert Kirkwood put the case as follows:

> ...how can eligibility be determined without making some value judgments about quality? Even by using quantification to a maximum, sooner or later questions must be asked about how well or wisely money is being spent, and that is inescapably judgmental. The Newman people were stymied by this question, and the tentative (if hardly startling) conclusion was that separation is difficult. But assume it was possible and educational institutions found they could circumvent accreditation and still be eligible for federal money; to which would their hearts belong? It isn't entirely cynical to conjecture that the nongovernmental accrediting commissions, with no largesse of their own to bestow, might soon be standing at a lonely altar, or perhaps lying in a pine box. And with their demise, the governmental agencies which were ostensibly interested only in determining eligibility would have to become accrediting agencies as well.[8]

Our survey of accrediting agencies and everything we have learned in this study supports that statement: not its objective truth (which is arguable) but the truth of the fear it conveys. The federal government, least of all the Office of Education, is not likely to mount a national system of accreditation: the Congress, educational institutions, and widespread private forces who do not love, trust, or respect the government sufficiently, would soon put a stop to that. The educational community, like the citizenry at large, prefers a good deal of private chaos to government-imposed order, and it gets a good deal of what it wants.

In seeking to replace "accreditation" with "eligibilization," the Newman committee assumed that there was, or should be, a single, uniform, and comprehensive system of qualification for all federal educational purposes, and that this should be an *institutional* system, not a program qualification or some flexible combination of the two. As Marx is said to have turned Hegel on his head, so the Newman proposals were essentially institutional (more specifically, regional) accreditation turned on its head--stripped of its academic traditionalism, with "output" measures and consumer protection thrown in. But the notion of a single national system of institutional eligibility is unreal and unwise. AIES cannot dictate the terms of eligibility for institutions participating in OE's own research programs, let alone in the research and educational programs of other agencies. Each federal program has its own problems, purposes, and constituency and hence, its distinctive eligibility requirements. Nor is there such a thing as a national system of "postsecondary" institutions, each of which can be legitimately and meaningfully compared with every other, and rendered eligible by the same "Securities and Exchange" type prospectus, *vid*:

> *State University of New York*: full-time enrollment, 200,000; full-time faculty, 14,500; student-faculty ratio, 14.25; graduates, 17,203; net attrition, according to formula C, Hague postsecondary convention, 71.42%; placement record calculated in accordance with

4-1-72 Nyquist-Marland codicil rectified for enrollment of retirees, mentally handicapped, and unemployed faculty plus emergency allowances for graduates unplaced due to power shortage, truckers' strike, and OE-certified Executive Orders, 49.166%; above board revenue, $500 million; square footage, 18.4 million; catalogs and promotional material, 3 freightcarsful, price list available from Paper Unlimited, Hoboken.

Pipsqueak Barber's College: full-time enrollment, 4; full-time faculty, 0; student-faculty ratio, ∞; graduates, 2; net attrition, formula F, 0; placement record, rectified per file document A 172.93-SH, revised 2-29-69, 91.001%; above board revenue, $2,188; square footage, 212.5; catalogs and promotional material, 1 hand-lettered poster, available on Ann Arbor microcard 22B200.7834002.

Alternative Eligibility Systems for OE

Each of the many systems employed by federal agencies to establish the eligibility of postsecondary institutions, programs, or courses has its own rationale, its distinctive history, constituencies, and purposes which are not fully or easily transferable to other agencies. Agency staff may manifest a kind of occupational myopia which makes it difficult for them to see that other eligibility systems serving different purposes and subject to different pressures are perfectly feasible. Thus, a list which AIES distributes greatly exaggerates the importance of accreditation to 21 government agencies by neglecting to mention the many other means of eligibility employed by them. AIES staff do not readily accept the fact that federal research agencies can spend billions of dollars at educational institutions without regard for their accredited status or that they themselves operate a different eligibility system for foreign than for domestic institutions.

Conversely, one eligibility system cannot simply be transposed without problems or revisions, and utilized effectively in another program. The system of semi-permanent eligibility determinations of foreign institutions by OE staff, on obscure grounds, is simply inapplicable to domestic institutions whose eligibility must withstand closer scrutiny. A system of ad hoc research awards is inapplicable to a program of general student aid, though it may be useful in more selective programs of aid such as science fellowships or rehabilitation stipends.

If, therefore, we wish to consider the eligibility systems which an agency might employ, we must define not only the system but also the agency and the program involved. Let us do so for the program of federally guaranteed student loans which has been of great public and Congressional interest and a major focus of OE concern with institutional eligibility since 1965. What are the principal eligibility systems that this program might realistically employ and what are their evident advantages and drawbacks?

1. Accrediting Agencies

The present system of utilizing the lists of recognized accrediting agencies has the advantages of economy, convenience, and the support of major private interests. It is selective among proprietary schools but not degree-granting institutions, virtually all of which are eligible. It excludes good unaccredited schools and includes poor or unscrupulous accredited schools. It may not accurately reflect the current condition of an institution because accreditation can be ten or fifteen years dated and an institution can be on confidential probation. Its emphasis on institutional accreditation, which does not attest to the quality of specific programs, may be justifiable on the grounds of administrative simplicity and a political alliance with institutional administrators, but does not assure the useful education of students who take poor programs at accredited institutions. An AIES circular concedes that "some departments of study in an unaccredited institution may be stronger than the corresponding departments in an accredited institution. Furthermore,...[the] service required by a given student may happen to be provided more satisfactorily, conveniently, or economically in an [unaccredited] institution...."[9]

Some recognized agencies have been given a new purpose and strength by the control which they now exercise over access to public benefits. The balance of power between recognized agencies and the government is debatable. OE has become overly dependent upon accrediting agencies because it has lacked alternative means to render their schools eligible or ineligible. It has neglected direct measures of student protection for a vain reliance on agencies which are unwilling or unable to police their members. However, the agencies have also sacrificed a degree of independence. All are vulnerable to charges of noncompliance with one or another criterion for recognition; few, if any, can comply "fully" (the word recurs in the Commissioner's letters of recognition and stipulations) and constantly (every day, in every action and inaction involving every school or program) with every particular of every criterion. The criteria themselves are subject to change and to changing importance; and it is OE which decides if a criterion is or is not applicable to a particular agency and if noncompliance is serious or unimportant. Hence all agencies are subject to potential OE inquiry, investigation, admonition, and pressure, and political considerations can plainly convert "potential" to "actual."

Revised criteria for recognition, public conferences and private discussions, formal communications, reprimands, compliments, and stipulated conditions for continued recognition have been the chief means by which OE has sought to change the organization, procedures, and performance of accrediting agencies to reflect its changing ideas of the public interest. Additional means might be grants for research and contracts for services. Any or all of these means are unlikely to change the basic nature of accrediting agencies, their responsibility to private interests, or the practical difficulties of defining and enforcing educational standards.

A means of employing accreditation while easing the direct regulation of recognized agencies would be to delegate most of the regulatory functions to an independent body--the new Council on Postsecondary Accreditation is an obvious candidate. The Commissioner would not thereby delegate his statutory responsibilities for recognizing agencies and he might also retain and reconstitute his own advisory committee. The Council could then serve as a buffer against political pressures and complaints of noncompliance which now come directly to the Commissioner and his staff. The advisory committee could act as a final appellate body for agencies denied recognition by the Council and, devoting little time to the recognition process, could concentrate on alternative avenues of eligibility, additional requirements for eligibility and the removal of eligibility, and measures of student protection. Such a division of functions would also relieve the advisory committee and staff of the conflict of promoting an activity which they are supposed to regulate.

To expect the Council on Postsecondary Accreditation to regulate with any strictness the agencies it represents may be to expect too much. But we have already characterized AIES regulation as "all bark and no bite"; AIES has presented the appearance without the reality or the statutory authority of regulation. Regulation is needed to temper the effects of monopoly; therefore, any slackening in the regulation of recognized agencies should be accompanied by a reduction in their monopoly of eligibility determination.

Many critics attack the use of accreditation for determining eligibility because of its "conservatism" or resistance to "innovation." Even if these criticisms are correct, they seem beside the point because, so long as accreditation exists, so will its good and bad features regardless of the use that is made of it for eligibility purposes. However, such criticism is a just cause to provide an *alternative* means of eligibility for institutions that may otherwise qualify for a government program but which remain unaccredited because they are "nontraditional" or "innovative."

2. State Agencies

State agencies operate the system under which courses are approved for veterans benefits. Agencies in selected states have been recognized by the Commissioner of Education to render eligible nursing schools and programs, public vocational education, and, for a temporary period, unaccredited vocational schools without a suitable recognized accrediting agency. (Three of the four preceding systems employ *program*, instead of, or in addition to, *institutional* eligibility.) Public institutions are automatically eligible in many programs, regardless of their accredited status: after all, they are financially stable, operate in the public interest under duly constituted authority, and their graduates commonly qualify for state licensing examinations. As originally drafted, the 1972 "Mondale amendment" would have enabled state agencies recognized by the Commissioner to determine the eligibility of private as well as public vocational schools; many observers believe the broader power to be desirable as well as politic.

When the Commissioner first received authority to recognize accrediting agencies in 1952, they note, few states had adequate laws governing the operation of proprietary schools or the award of degrees and accreditation hardly touched vocational education. The absence of effective state regulation had made it necessary to establish special approving agencies for veterans. Recognition was then relatively unimportant and carried no hint of regulation.

By 1974, the scene had changed. Recognition had grown important and was accompanied by the form of regulation and a danger that the substance might follow, with all that that might forbode in the politicization of educational standards. An editorial in the final (September 1964) issue of the National Commission on Accrediting Reports warned institutions and accrediting agencies against drinking the "hemlock" of relying primarily on accreditation for eligibility purposes and of seeking accreditation primarily to obtain eligibility. A number of states, such as Texas, Ohio, and Florida, have recently strengthened their regulation of proprietary schools and of the authority to award degrees; with the incentive of recognition, more would follow. Constitutionally, the states, not private or federal agencies, are responsible for regulating educational institutions. They are in closer touch with local institutions and students, conduct annual inspections, have genuine policing powers and need not fear legal action. Only the states can put fraudulent schools and degree mills out of business. If OE, like the VA, utilized state agencies to determine and withdraw eligibility in accordance with national guidelines, accrediting could regain its voluntary character and its freedom from government intrusion. If OE helped state approving agencies to improve their profession competence, especially in dealing with higher educational institutions, veteran as well as nonveteran students would receive better services and protection.

Among the major drawbacks of relying on state agencies for eligibility purposes are:

a. Fifty states mean many diverse standards and it is unfair to require schools in one state to meet standards from which schools in another state are exempt. However, this problem can be mitigated if comparable educational legislation, such as that drafted by a committee of the Education Commission of the States, is widely adopted. Accrediting agencies impose diverse standards of their own. Whereas multiple state standards generate problems of national professional and educational comparability, multiple accrediting standards generate problems of internal comparability among a college's programs and departments.

b. State governments are not renowned for the stature of their staffs and many are readily subject to political pressure, if not corruption.

c. State, like federal, officials dare not draw invidious quality distinctions among educational institutions. Therefore, their list of eligible institutions is likely to be coterminous with the number legally authorized to operate in the state. However, most proprietary schools now ineligible for guaranteed student loans are small (which can mean as few as 5 to 20 students) so that, even if 8,000 or so unaccredited schools were rendered eligible, it might not add more than 100,000 potential student borrowers. The number of eligible schools could be substantially reduced by a simple restriction such as the requirement of two years operation.

d. State governments already prescribe the conditions for the legal operation of all postsecondary institutions; they fix the budgets, coordinate the programs, and exercise other controls over public institutions. To make them also responsible for federal program eligibility is to give them excessive power over postsecondary, and especially public, institutions.

e. Government agencies tend to "go by the book," imposing common rules regardless of the nature and circumstances of individual schools. Thus, the likely effect of making them responsible for eligibility determinations would be the imposition upon institutions of undesirable conformity or needless and meaningless paperwork.

3. A Special Commission

The Newman committee proposed that a national commission determine the eligibility of postsecondary institutions on criteria, distinct from their accreditation, designed to attest to honest advertising and recruiting practices, financial reliability, and to help students make informed and useful choices. The Newman group was open-minded about the commission's mode of operation: it might be national or regional, and it might contract for services with accrediting agencies and other bodies.

A similar proposal for a National Board of Education was advanced in 1970 by Lloyd Elliott, president of George Washington University and, subsequently, also of the National Commission on Accrediting, who stated:

> I believe that our machinery of accreditation has outlived its usefulness, that voluntary efforts are helpless in the face of today's problems, that neither the society nor the student is being protected from third-rate programs, and that this very same accreditation machinery is now working to prevent flexibility and innovation rather than to encourage new approaches....
>
> Because of its vastness, its complexity, and its rapid change, the world of formal education should be regulated by a new administrative agency of the federal government.... the educational enterprise is in need of nationwide guidelines, codes which can be enforced and contracts which can be made binding. Neither the public nor the student is now protected from misconduct....
>
> ....I would like to see the establishment of a National Board of Education with powers and duties legislated by the Congress which would include publication of detailed information, both financial and academic, on each college and university in the country. There needs to be a standard reference for such information with regular revisions so that the public may be better informed about higher education. The National Board of Education through its power to allocate or withhold federal funds would also have the power to place institutions on an approval list or to remove them from such a list.[10]

Though the Newman proposal is directed solely at eligibility, whereas Elliott's includes both accreditation and eligibility, their form is similar. A 1971 report to the Congress by the HEW Secretary also recommended that "specific consideration shall be given to the possibility of establishing a Congressionally-chartered public corporation to promote the national coordination of accreditation."[11] Our concern is confined to questions of eligibility.

Harold Seidman, a leading authority on government corporations, observes that "These proposals are so vague as to defy analysis. Implicit in them is the assumption that there is some magic about a public corporation that differentiates it from a traditional government agency. Such is not the case."[12] The main distinctive features of a government corporation, he notes, are its methods of financing, budgeting, and auditing and certain freedoms in expenditure, none of which are particularly critical to the prospective functions of a central eligibility body. Proponents seek from a national commission not such technical financial features but some way to combine the government's authority over eligibility with the principle of private educational standards, the government's power to regulate with the principle of private quality judgments, a budget drawn from public funds with the relative independence from political pressure which a quasi-judicial commission may enjoy.

Obviously, a body combining all of these features--public money and authority with private prestige and independence--would be admirable. Recruiting the best qualified persons to serve in, and under, a distinguished board for an important public purpose, it might finally solve the problems of inadequate public information, eligibility standards, institutional regulation, and student protection which have plagued postsecondary programs.

But that is a utopian view anticipating the best of all possible outcomes for a body whose specific composition, organization, budget, mode of operation, eligibility standards, and practical problems remain undefined. No commission can escape the technical and political dilemmas involved in monitoring tens of thousands of diverse and changing educational programs and institutions.

Considering how critical it was of the information disclosed by accrediting agencies, the Newman group was credulous about the reliability, validity, comparability, and usefulness of the information that might be voluntarily disclosed by 13,000 educational institutions. A commission which itself obtained or confirmed (by correspondence, questionnaire, visits, and independent inquiries) all the information needed adequately to inform the public and to make reliable eligibility judgments about that many institutions would need a very large staff and budget. Much of its work would duplicate that of state bodies, accrediting agencies, and other educational and professional associations. If, to avoid duplication and effect economies, it utilized their services, it would yield significant degrees of independence and power. The commission would have to decide whether to grant eligibility in perpetuity, for five years or annually; whether to rely on written information alone or to conduct inspections--and whether these should be planned or unannounced; whether institutional judgments suffice for a university with 40,000 students or should be augmented by program judgments; how to define an "institution" and affiliated and independent branches, and the type and periodicity of information and eligibility judgments to be required for each; and so forth. In short, the commission must contend with the same limited choices and untidy realities faced by every other educational eligibility, accrediting, monitoring, and survey organization.

A commission which found many accredited institutions ineligible would be subject to sharp criticism and pressure and would require convincing evidence and strong allies to maintain its position; one which found all or most accredited institutions eligible would be asked why it devoted so much effort to reaffirming what was already known.

As the characteristics of accrediting and state agencies are known, the probable consequences of relying upon them for eligibility purposes can be stated; the effects of an unknown commission are less foreseeable. They might be ideal, producing an authoritative assessment which, accepted by federal, state, and private agencies, would introduce an unprecedented clarity, harmony, and order into the messy world of postsecondary education. They might be disastrous, imposing the same standards on the most heterogeneous institutions--barber schools and universities, seminaries and community colleges, correspondence schools and medical schools--and producing specious assessments which mislead more students than ever before. And they might be mixed, rendering useful, small or nontraditional schools eligible and generating some helpful information while also continuing the eligibility of poor but powerful institutions and poor programs at good institutions, and producing much useless or misleading information.

4. OE Staff

Finally, instead of establishing a special commission, the Office of Education could set and enforce its own standards of eligibility and the withdrawal of eligibility. The advantages of doing so are that responsibility would lodge with accountable officials operating in accordance with published criteria. Among the disadvantages are: the large staff and funds that would be needed, the tiresome regulations and paperwork that would follow, the duplication of state and accrediting agency work, and the inevitable political pressures on behalf of ineligible schools. The result would probably be to render eligible all schools meeting certain minimal administrative standards such as two years operation and the affirmation of boiler plate policies.

Notes

1. July 23, 1973 letter from Richard A. Fulton, Executive Director of the Association of Independent Colleges and Schools. The five programs which he cites as "institutionally-based or oriented" programs are National Defense Student Loans, the College Work Study Program, Basic Supplemental Educational Opportunity Grants, and Federally Insured Student Loans.

2. In particular, the following programs: educational benefits to veterans, social security beneficiaries, and American students attending foreign institutions; *ad hoc* contracts for occupational training and rehabilitation; student draft deferments; and research project awards to postsecondary faculty.

3. More likely, eight or ten different effective standards. However, the state scene is complicated by the proliferation of many separate agencies, authorities, and commissions, each sovereign in a different sector, and many sectors constitute principalities of their own, independent of any state educational authority. Thus, the eight or ten different national standards must be multiplied by the four or seven or twenty different educational authorities in each state, yielding a jig-saw puzzle of standards which defies assembly.

4. Who awards status and what schools and accrediting agencies are on each rung of the resultant status ladder? The answers are best left to each reader, but any reader momentarily at a loss can try one of the following: relative status can be measured by the relative wealth of alumni, or the relative weight of their publications, Ph.D.'s, M.D.'s, corporate executives, secretaries, plumbers, or _____ (please specify).

5. See Robert Kirkwood, *2491, A Report on the Federation of Regional Accrediting Commissions of Higher Education*, Washington, D.C., October 24, 1973, p. 5.

6. "Agenda for Reform : H.E.W. Task Force Recommendations," *Chronicle of Higher Education*, October 29, 1973, p. 7.

7. "Accreditation and Institutional Eligibility," November 1971 draft report of the H.E.W. task force chaired by Frank Newman (offset).

8. Robert Kirkwood, "Responses to the Newman Proposals," *Change*, Winter 1972-73, p. 53.

9. *Rating, Accrediting, and Approval of Institutions of Higher Education in the United States*, U.S. Office of Education, 1972, p. 3.

10. Lloyd H. Elliott, "Accreditation or Accountability: Must We Choose?" Address to The Middle States Association of Collegiate Registrars and Officers of Admission, December 1, 1970.

11. "Report on Licensure and Related Health Personnel Credentialing, June 1971," U.S. Department of Health, Education, and Welfare, in *Physicians Training Facilities and Health Maintenance Organizations*, Hearings before the Subcommittee on Health of the Committee on Labor and Public Welfare, U.S. Senate, 92nd Congress, 1st Sess., July 20 and 21, 1971, Part 1, p. 353.

12. Harold Seidman, "Structure for National Supervision of Accreditation," in *Study of Accreditation of Selected Health Educational Programs, Part One: Staff Working Papers*, National Commission on Accrediting, October 1971, p. F-10.

Appendix I. Selected Cases of Accreditation

Ohio Christian College . LaSalle Extension University . Famous Writers . The Parsons College Bubble . The National Home Study Council and Crowell-Collier-Macmillan . San Francisco State School of Social Work . The "Ole Miss" Law School . St. John's University . The Marjorie Webster Case

Ohio Christian College

"By virtue of powers which we have invented" the trustees of San Francisco's Millard Fillmore Institute would, for a fee of $10, confer on any applicant a variety of "honorary and meretricious" titles ranging from "Dr. of Generosity" to "Dr. of Pinochle Sciences." A bogus diploma mill? Not really; just the creation of John Bear, 33, co-inventor of the Beethoven sweatshirt. Annoyed by honorary degrees awarded to such notables as Captain Kangaroo and Bob Hope, Bear set up the Millard Fillmore Institute as a tribute to our thirteenth president, who turned down an honorary degree from Oxford on the ground that he didn't deserve it. The institute motto is, "Ad populum phaleras, ego te intus et in cute novi!" Loose translation: "You may think you're hot stuff, but we know you, buster!" Good humor considered, the California Attorney General's office advised Bear of its concern that someone might use a Fillmore degree fraudulently. "The degrees," an attorney informed us, "...were very impressive with a gold seal, elaborate scroll work and a general highly legitimate appearance." Bear returned $400 worth of orders to prospective clients and moved his business to another state.[1] Some time later, he returned to San Francisco and submitted to the state attorney general a list of degrees he planned to sell. Most were struck as identical or similar to actual degrees, but a few were passed as so plainly nonacademic that no one could be misled.

Government and education officials across the nation are plagued by problems resulting from those who pass off phoney educational credentials to an unsuspecting public.

A 1972 New York Times investigation identified numbers of educational and mental health "professionals" in the New York City area who cited advanced degrees from unaccredited schools as part of their job qualifications. Thus, Marie Fetsch, principal and founder of the Sands Point Country Day School-Fetsch Academy claimed honorary doctorates from three unaccredited institutions -- Philathea College of Ontario, Canada; the Ohio College of Podiatry; and the National Police Academy in Venice, Florida.[2]

According to the Times, Group Relations Ongoing Workshop (GROW), the largest group therapy training school in the city, had six staff and advisory council members with advanced degrees from unaccredited and/or non-existent universities. GROW awarded "Certificates" to paying students, 173 of whom were also enrolled in an advanced degree extension course of Indiana Northern University, another unaccredited institution. Subsequently, the New York State Department of Education ruled this extension study plan illegal.[3]

In Pennsylvania in 1969, twelve public school educators -- including five superintendents -- claimed doctorates from Ohio Christian

College, a diploma mill whose story will shortly be related.

Badly drafted and laxly enforced state licensing laws are partly to blame for degree mills. Equally responsible is the fact that an advanced degree can affect job status, advancement, and pay.

In 1883, a British writer observed that: "In the United States of America, the sale of degrees is maintained to the present day. There are unchartered bodies granting these titles with and without prior examination. There are chartered institutions only too happy to sell spoilt parchment at about $60 the foot, and such venal bodies are not rare, but are to be found in large numbers...."[4] More recently, Bender and Davis have attributed the flow and ebb of degree mills to the contrary stimuli of favorable economic conditions and societal pressures to reform educational abuses.[5] Congressional investigations, Federal Trade Commission and Post Office actions, the efforts of voluntary organizations, and the effects of the depression reduced degree mill activity until World War II. Thereafter, the sharp increase in the number of students and the massive subsidy of veterans' education reversed the tide so that by 1950, the education editor of the New York Times estimated, more than 1,000 institutions of questionable propriety were operating, including at least 100 "out and out diploma mills."[6]

In 1959, HEW Secretary Arthur Fleming instructed the Commissioner of Education to compile a list of degree mills and publish a warning about their tactics in the Higher Education Directory.[7] Only 33 names were listed, because HEW's General Counsel insisted on evidence that degrees were awarded without the normal requirements; an unpublished list of 70, prepared for Congresswoman Edith Green in 1965, relaxed this restriction. In 1972, it was estimated that about 102 degree mills were offering diplomas at prices ranging from $50 to $2500.[8]

It may be difficult quickly and reliably to distinguish what an OE official has called this "persistent low grade infection afflicting higher education" from some unorthodox, unaccredited experiments such as the "external degree" and "university without walls." One unaccredited school, Laurence University of Sarasota, Florida, has sued the New York State Education Department for $20 million for calling it a "degree mill." A visit to a "university" of uncertain standing is described on appendix.

While diploma mills usually lack accreditation and rarely seek it, others obtain it from enterprising agencies such as the National Education Accrediting Association (NEAA), which provided a mail-order certificate of accreditation for $25 or $50.[9]

An unincorporated sole proprietorship, the NEAA trademark was held by Alvin O. Langdon, who mailed out invitations for membership. Respondents who paid a fee and completed a question sheet were accredited. They were asked about previous and current affiliations with other accrediting agencies, educational agencies or schools; the type of education offered; diplomas or degrees granted; their board of directors; and the number of their faculty, buildings, and students. No additional information was required and no other review was conducted. For "reevaluation," a new application and a new fee sufficed. At one time, the fee was $25 for five years, but it was raised to $10 a year. There were no operating expenses but Langdon's, since he was the NEAA: one man, one accrediting agency.

NEAA claimed to accredit 150 schools one of which was Ohio Christian College of Calvary Grace Christian Churches of Faith, a "nonprofit, church-affiliated corporation" which was also a Langdon enterprise. In 1972, the Federal Trade Commission served a cease and desist order upon NEAA, Ohio Christian, and their officers. Ohio Christian held that, as a nonprofit institution, the FTC had no jurisdiction over its activities, but the FTC countered that though nonprofit in form, it had in fact operated as a business.[10]

Ohio Christian was not the first college of which Langdon was president. In 1965, the West Virginia Board of Education closed down his Central Christian College at Huntington. The college's mail order curriculum had included auditory analgesia, psychosomatic music, electronic psychology, and drugless healing. As president and faculty, Langdon "handed out as many honorary doctorates in ... two years [1964-1965] as did Harvard's Nathan Pusey."[11]

Advertisements for Ohio Christian stated that students could "Earn College Degree at Home--All Subjects." The catalog promised to allow credits for previous experience, to "eliminate all non-essentials" of college and reduce home study requirements. Thus, the student could gain a degree in months or even weeks.

Ohio Christian was accredited by the NEAA and AFIRE, the Association of Fundamental Institutions of Religious Education directed by the Reverend Herman Keck of Fort Lauderdale.[12] When asked at the FTC hearing how NEAA accreditation was obtained, Langdon replied:

> We felt that...since...it was established by us...we met the criteria....
>
> Question: So Alvin O. Langdon, as Executive Director of the National Educational Accrediting Association, granted accreditation to Ohio Christian College?...
>
> Langdon: ...To me it is absolutely ethical. The other institutions in this nation who have accrediting agencies do the same thing....[13]

It took the Ohio attorney general's office six years, along with the Ohio legislature, the Better Business Bureau, the Internal Revenue Service, the U.S. Post Office, the Ohio Department of Education, and the Ohio Board of Regents to put the Reverend Langdon out of the education business. In 1970 the Ohio General Assembly moved against diploma mill operations by establishing a five-member board to register, investigate, and set standards for schools and colleges. Thereafter, no course of study, diploma, degree or certificate could be offered and no solicitation or enrollment of students could legally be undertaken without prior registration.

In March 1971, Frank Albanese, executive secretary of the new board, wrote Jerry Weiner, titular president of Ohio Christian College, reminding him that private schools must register. When Ohio Christian refused to do so, it was restrained from operating by a temporary injunction. In December, Judge Fredrick T. Williams found the college, Langdon, and associates in contempt of court because advertisements continued to appear and catalogs were being mailed to prospective students. The next month the judge issued a permanent injunction, stating that to hold that the college, because of its church affiliation, was not subject to registration would be like holding Hans Christian Andersen not subject to state law "since his middle name, like that of the college, happened to be Christian.[14] In the fall, the judge again found Langdon in contempt, sentencing him to ten days in jail, but suspending sentence because of his advanced age, failing health, and payment of over $1600 in fines.

LaSalle Extension University

The FTC has also investigated two of the largest for-profit correspondence schools, LaSalle and Famous Writers, both accredited by the National Home Study Council, an agency recognized by the U.S. Commissioner of Education. LaSalle Extension University, an Illinois corporation chartered in 1908, had revenues of about $50 million in 1969 and enrolled over 100,000 students, some 10,088 of whom were taking courses related to the study of law. The "complete law course"--an 89-lesson, three-year program--cost $550; a four-year course of 109 lessons, $695. La Salle also offered a short law course of 23 to 42 lessons; very few completed the longer course.

In 1954, the FTC had ordered LaSalle to "cease and desist from representing" that persons receiving its law degree or completing its course of law study "will be admitted to or are otherwise eligible to participate in bar examinations...." The school had been awarding LL.B. degrees since 1915, but by 1950, only four states permitted its graduates to take the bar examination and by 1974, only California. In 1970, the FTC ordered LaSalle to show cause why it should not be required affirmatively to disclose that its courses were not generally accepted as sufficient preparation for the bar. Testimony revealed that LaSalle described its law program in advertisements, leaflets, and direct sales contacts in the following manner:

> Earn an LL.B. Degree from LaSalle
> Home study is a popular, convenient and professional way of acquiring a Law education
> The subjects treated in the LaSalle courses are approximately the same as those included in the courses offered by the leading Law Schools of America.

The hearing examiner found that LaSalle had failed to "set forth fully and conspicuously" that its "law degree program" and courses did not qualify anyone to take a bar exam or practice law. He recommended that it be required to disclose "clearly and conspicuously...in any advertisement...in type the same size and appearance as the advertising claims...on the front page or cover and on each page of any promotional material or descriptive brochure...in each enrollment form, application form, [or] sales contract," that no state accepts any home study course "as sufficient education to qualify for admission to practice law."[15] LaSalle appealed to the Commissioners who responded that: "Where, as here, the mere offering of the product or service, leads to deception...we believe that it is reasonable and necessary to demand that a disclosure required to dispel the deception be given equal prominence with the offer."[16]

In September 1972, LaSalle appealed to the U.S. Court of Appeals stating that: "...the size and frequency components of the Order, if not modified, will require LaSalle to discard its entire law program. The Order of the Commission is unprecedented, arbitrary, unreasonable, unnecessary and vague...."[17] LaSalle offered to give up its right to award law degrees, if it could continue non-degree programs without the disclosure. Alternatively, the court was asked to modify the "paralyzing" disclosure requirements or to require FTC reconsideration of whether disclosure was necessary in non-degree programs and whether LaSalle students really believed they were eligible to practice law by completing non-degree programs.

The U.S. Office of Education has warned the public that "no reputable institution of higher education confers degrees solely on the basis of correspondence study."[18] OE's John Proffitt testified in 1970 that "no degree awarded by correspondence work is considered to be accredited by the National Home Study Council...."[19] However, old Washington hands know, as George Orwell knew, what sixteen-year-old students can learn at some cost, that official statements can mean the precise opposite of what they appear to say. Thus, the LaSalle law course, but not law degree, was accredited by the National Home Study Council; and thus LaSalle law students were eligible for federal funds.

Famous Writers

Whatever happened to those twelve Famous Faces who used to smile so invitingly from Sunday advertising supplements as they challenged us to test our writing aptitudes and follow a "wonderful life" by training at home for a writing career through the Famous Writers Correspondence Course? We no longer see them because the parent company went bankrupt.

Famous Writers, along with Famous Artists, Famous Photographers, Evelyn Wood Reading Dynamics, and Linguaphone Institute, was a subsidiary of FAS International, Inc., an education conglomerate whose tuition revenues soared from $7 million in 1960 to $48 million in 1969. The price of the corporation's common stock rose from $5 in 1960 to $62 in 1968.

In July 1970, Atlantic carried an article by Jessica Mitford entitled "Let Us Now Appraise Famous Writers," which cuttingly examined Famous Writers' promises and practices.[20] Mitford delved into advertising claims, costs, selection, criteria, methods of instruction, staff, materials, dropout rates, and the career success of students.

To enroll in Famous Writers, according to Mitford, all one had to do was pass a mail-order writing "aptitude test" graded by a part-time worker at the rate of one paper every ten minutes. The California attorney general's office, which investigated the Famous Writers and Famous Artists schools after receiving many complaints, found that "it was virtually impossible for anyone to fail the artists talent test....One of the men in our office tried twenty times, even having his five year old child make drawings, before he finally submitted one which was returned with the notation that he had no talent."[21]

Though the Famous Faculty, well paid for the use of their names, did not read students' manuscripts, "Field Representatives" --i.e., home salesmen--conveyed a different impression. "The fantasy he spun...which far outstripped anything in the advertising, would have done credit to the school's fiction course." According to one of the 800 commissioned salesmen, two or three of the Famous Guiding Faculty were always in residence, working with the staff of experts evaluating manuscripts.

> Your Guiding Faculty member, could be Bennett Cerf, could be Rod Serling depending on your subject, will review at least one of your manuscripts and may suggest a publisher for it... there are 300 instructors for 3000 students...hundreds of university professors are currently enrolled...75 percent of the students publish in their first year, and the majority more than pay for the course through their sales....there are very few dropouts because only serious qualified applicants are permitted to enroll....

The three-year, 24-installment course cost $785 ($900, with installment charges).

Of $28 million tuition revenues in 1966, $10.8 went for advertising and $4.8 million for "cost of grading and materials."

> The course itself is packaged...in four hefty "two toned, buckram bound" volumes with matching loose-leaf binders for the lessons. The textbooks contain all sorts of curious and disconnected matter: examples of advertisements that "pull," right and wrong ways of ending business letters, paragraphs from Saturday Evening Post, This Week, Reader's Digest, quotations from successful writers, like William Shakespeare, Faith Baldwin... Red Smith, an elementary grammar lesson, ...a glossary of commonly misspelled words, a standard list of printer's proof-marking symbols.
>
> There is many a homespun suggestion for the would-be Famous Writer on what to write about, how to start writing: "...One successful author writes down the word 'The' the moment he gets to the typewriter in the morning. He follows 'The' with another word, then another...."
>
> Throughout the course the illusion is fostered that the student is, or soon will be, writing for publication:... a volume entitled How to Turn Your Writing Into Dollars,... winds up on a triumphal note with a sample publisher's contract and a sample agreement with a Hollywood agent.

A subscription to Famous Writers magazine--a quarterly containing stories by students and supposedly sent to 2000 editors and publishers--came with the course. A student sales section detailed success stories. Two students whose success was portrayed in a 1970 ad, Mitford found, had neither finished the course nor published anything since 1965.

In 1970, Famous Writers enrolled 65,000 students, 2,000 of whom were veterans. Though only 55 instructors--not 300--were grading lessons, their workload was not too heavy, as about 90 percent of those who signed up for the course dropped out. This was the key to the school's financial success, for dropouts were still bound by their contracts and dunned to complete payments, though none was taken to court.

The FTC had earlier investigated the parent company's refund procedures and found them to be improper. In accord with National Home Study Council standards, FAS did have a refund policy, but, prior to

April 1968, it did not advise students of the policy until they sought to terminate contracts. FAS suggested that delinquent accounts were referred to an independent collection agency whereas, in fact, it was an FAS subsidiary. FAS signed a voluntary compliance agreement with the FTC promising to set forth its refund policy "clearly and conspicuously" and to disclose that the collection agency was an FAS affiliate.[22]

Following the Mitford exposé, the New York City Department of Consumer Affairs found Famous Writers in violation of the city's Consumer Protection Law and obtained an "Assurance of Discontinuance" from the school. According to the department, the average student completed about one-third of the course, yet had to pay for the full course if he persisted in it for more than six months.

In May 1971, the Securities and Exchange Commission halted trading in FAS stock. The NHSC accrediting commission visited the school and expressed concern about its financial stability,since it had incurred a $55.8 million paper loss in the nine months ending June 1971. (The company had regularly entered as income the gross amount of tuition contracts, all of which were not realized. Over the years, this led to a vast overstatement of income, and when the day of rectification came, the stock plummeted.) In December, the commission denied the school's application for reaccreditation. FAS appealed, but, in February, filed bankruptcy papers. The commission unanimously denied the appeal.

The Parsons College Bubble

Parsons College, Iowa, sought an injunction against the North Central Association of Colleges and Schools when denied accreditation in 1967. Parsons sought to prove irreparable harm and the denial of due process, charging that the association's membership standards and procedures were "nebulous and vague."

In July 1967, Judge Julius Hoffman, in what some consider to be one of his best opinions, ruled that the college had demonstrated injury but not that its legal rights had been violated. He declined to evaluate the adequacy of North Central's standards and procedures or its reasons for disaccreditation:

> The public benefits of accreditation, dispensing information and exposing misrepresentation, would not be enhanced by judicial intrusion. Evaluation by the peers of a college, enabled by experience to make comparative judgments, will best serve the ... standards of higher education. The price for such benefits is inevitably some injury to those who do not meet the measure, and some risk of conservatism.... The association has achieved its power through the respect it has engendered through its work. If it fails to satisfy its members, they are free to join another group.[23]

An 80-year-old, church-affiliated college in Fairfield, Iowa (pop. 8,500), Parsons had been disaccredited once, in 1948, when it was near bankruptcy. In 1955, when Millard John Roberts became its president, the college had some 300 students, a poorly paid faculty, crumbling buildings, $700,000 in liabilities and $1 million in assets. By 1967, the flamboyant Roberts had transformed the college into a booming, even notorious enterprise with 5,000 students, $16 million annual revenues, $14 million debts and $22 million assets.[24]

The Parsons Plan called for:

1. Year-round operation
2. An open-door admissions policy with intensive recruitment.
3. Sharply restricted curriculum with large classes.
4. High teaching loads and high salaries.
5. High tuition and fees.
6. Cheap buildings with fullest possible use of them.

As Judge Hoffman put it, Parsons "sought to serve the needs of students whose poor academic qualifications would have made them inadmissable at conventional schools, including transfer students who had been dismissed for scholastic difficulties at other colleges. Combined with this goal of providing a second chance, the College sought to demonstrate that an institution of higher learning could be operated successfully solely with the financial resources provided by student tuition charges and fees, without gifts, endowments or state support."[25]

The name of this survival game was students and Roberts made their recruitment his first priority. Like many proprietary schools, Parsons paid recruiters a bonus for every paid application or enrollment. Once, 85 percent of the students were Iowan; by 1967, 50 percent came from New York, Pennsylvania, New Jersey, Massachusetts, and Connecticut.

Despite Roberts' boast of $9 million yearly "profits," the college was constantly short of cash due to the geometric rise in enrollment. More students required more facilities. Despite his success in negotiating large loans, Roberts was forced to transfer revenues from operations to the "plant fund," thereby wiping out net gains. However, the resultant financial problems did not become critical until the school was disaccredited and suffered a precipitate decline in enrollment.

Roberts' policies called for both the active recruitment and retention of students. According to one professor, "students were supposed to be dismissed after three semesters if they didn't reach a certain grade average, but when we tried to dismiss them they were simply taken back in again." For a time, not only salesmen but deans and advisers were given bonuses for the number of students they kept enrolled. Students could repeat courses as often as necessary to get at least a "C," with only the highest grade used in computing averages; they could also eliminate flunked electives from their records for credit or grading purposes.

The Roberts regime evoked suspicion and hostility from many educators antagonized by the school's exaggerated claims, business outlook, and dubious standards. Internal dissent surfaced in 1963 with the publication of a Black Report by six professors, who charged the administration with fraudulent advertising and student exploitation. The report was sent to the trustees, the board of visitors, and the American Association of University Professors, and, after each body declined to act, to the North Central Association, which promptly dispatched an investigative team.

In 1959, a North Central team had praised Parsons' leadership and academic and building programs. The 1963 team report commented favorably on finances and faculty quality, but issued a "scathing indictment" of recruiting and promotional practices, financial considerations dominating educational policy, high faculty turnover, heavy teaching loads, authoritarianism, and the college's failure to live up to its promise of rescuing late-bloomers and flunk-outs. The North Central executive board thereupon invented a new category of "public probation" to warn the public about the college.

The following year, a follow-up team found that most of the

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problems had been overcome. It praised the trimester plan, team teaching, and the restricted curriculum. Parsons was removed from probation with the proviso that an NCA consultant be appointed and a review be made within three years.

Then, in June 1966, Life published an article, "The Wizard of Flunk-Out U," depicting Roberts as a "rip-roaring, every-time-a-bulls-eye salesman" and the school as "a college for rich, dumb kids." One student was quoted as saying, "This is a weird place. There's no stigma if you screw up and have money, too....Nobody sweats. Nobody gets axed."[26] The school claimed that this damaging publicity cost 500 students and $1 million in projected revenue by the fall of 1966.

The third North Central team, which visited early in 1967, surprisingly recommended reaccreditation, with certain provisos. However, the North Central executive board rejected this course and instead voted for disaccreditation because of the college's "persistent failure...to correct serious weaknesses" and the board's lack of confidence in its leadership. Irwin Lubbers, a former North Central president, said that the board "put more faith in journalists than in their own examiners."[27] Parsons appealed but the full North Central board upheld the decision. The day after, Roberts was fired without compensation by the Parsons trustees, who abrogated his contract and demanded that he vacate the presidential house forthwith.

In James Koerner's view, Parsons probably deserved to be disaccredited, but not in the way that it was done. "The NCA reports ...are a classic study in the unreliability of visiting team reports ....three or four people cannot spend two or three days at a strange institution the size of Parsons and accurately evaluate it....the bevy of NCA examiners...had no way of assessing how well Parsons was doing the job it had set out to do, for the job was a new one for which there were no agreed-upon standards of success." Finding the team reports impressionistic, inconsistent, sometimes superficial, Koerner concludes that Parsons was judged not in terms of its own goals but rather by the standards of other schools. He criticizes North Central's secrecy, its "capricious" procedures, the unprecedented public probation, the disregard of its team's recommendation, and the announcement of its action before notifying the school.

In the year following disaccreditation, Parsons lost half its students; its revenue dropped from $15.4 million to $7.4 million, and faculty size, from 220 to 80.[28]

Parsons gained "recognized candidate" status in 1968 and full accreditation in 1970. The school tightened spending, made across-the-board cuts in faculty pay, consolidated offices, closed dormitories, and dropped football. It offered new courses in aviation, management, law enforcement, social service, medical technology, recreation and camp management. However, the attempted resurrection failed. Faced with "insurmountable" financial obligations, Parsons filed for bankruptcy in May 1973 and closed in June. At the time, it had 925 students and a faculty of 57.[29]

The National Home Study Council and Crowell-Collier-Macmillan

Suit was brought against the National Home Study Council (NHSC) by Crowell-Collier-Macmillan (CCM) after its accrediting commission had disaccredited CCM's home study division without prior notice or

(CCM contended) the opportunity for a full and impartial hearing.

CCM operated six correspondence schools--U.S. School of Music, Washington School of Art, LaSalle Extension University, Academy for Home Study, Utilities Engineering Institute, and Wayne School--with 1968 sales of $41.9 million and a student veteran population of 18,000. After denying reaccreditation in November 1969, the NHSC Commission had offered CCM the opportunity of an appeal, but CCM disputed the ground rules, requesting specific records, prior withdrawal of disaccreditation, the right to call, examine, and cross-examine witnesses, and other assurances of fairness.

Seeking a restraining order, CCM charged a conflict of interest, noting that one NHSC commissioner was a dean of International Correspondence Schools and another, a vice president of FAS International, both major CCM competitors. In his affidavit, Warren B. Smith, CCM vice president and a former NHSC president and trustee, stated:

> ...a bulletin has gone out from headquarters of International Correspondence Schools...informing all of their field representatives of our denial of reaccreditation. Within hours this will have the effect of giving our competitors an unfair selling advantage with students and can lead students...to quit and shift over....one of our district managers...was refused admission to an Army base...where he sought to interview prospective students. He was advised by Post officials that...they in turn had been advised by a representative...[of an] FAS International [subsidiary] ...that NHSC had denied reaccreditation....[30]

CCM asked the court to restrain NHSC's "barrage of boycotting communications" until it ruled on the request for an injunction.

An NHSC report set forth the reasons for disaccreditation as follows:[31]

1. Failure to meet the minimum standards of the Accrediting Commission....
2. Violation of Accrediting, Business and FTC standards and regulations, and failure to take prompt corrective action.
3. Over-emphasis on advertising, sales and collections to the neglect of educational programs and student services.
4. Failure to demonstrate satisfactory progress....

The report further stated that, in accrediting a school, the commission advertises to the public that each school or unit meets the following eight standards, and that CCM met only Nos. 1, 6, and 8:

1. It has competent faculty.
2. It offers educationally sound and up-to-date courses.
3. It carefully screens students for admission.
4. It provides satisfactory educational services.
5. It has demonstrated ample student success and satisfaction.
6. Its tuition charges are reasonable.
7. It advertises its courses truthfully, and
8. It is financially able to deliver high quality educational services.

> Five years ago, it was recommended that...courses... should be brought up-to-date; that the harsh collection policy should be reconsidered...;that the school would do well to keep files on rejections and complaints...; that the selection, orientation, and control of several hundred sales representatives should be improved; that the Council's cancellation and refund policy should be enforced; and that education must receive full attention along with advertising, sales and collections....
>
> In general, the greatest defect observed is one of attitude. There does not appear to be an educational atmosphere in connection with the school....
>
> David A. Lockmiller
> Executive Secretary

Shortly after CCM sought an injunction against the Home Study Council, it filed a separate complaint against the council, HEW Secretary Robert Finch, and Commissioner of Education James Allen. The officials were cited because the designation of the NHSC accrediting commission as a "nationally recognized accrediting agency" rendered schools accredited by it eligible for many federal programs and other special advantages. Thus, the CCM complaint stated, VA regulations required no pro rata refund for courses at accredited schools. "The effect is severe competitive disadvantage to the nonaccredited schools." The laws of various states imposed upon unaccredited schools such requirements as registration, the licensing or bonding of salesmen, a ceiling on permissible down payments, and specified cancellation and refund policies.

Since the NHSC commission was the only agency recognized by the Commissioner of Education to accredit home study schools, disaccreditation meant that CCM students would no longer be eligible for federally guaranteed loans or the 18,000 student veterans, for benefits under the more favorable terms granted by the Veterans Administration to accredited schools.

CCM contended that NHSC had violated its own bylaws promising a "full and impartial hearing," as well as the Office of Education's criteria governing the recognition of accrediting agencies. The company had earlier asked the Office for relief under its "statutory authority to recognize, supervise and regulate the activities of accrediting agencies." It now asked the court to rule that the Office could not delegate to "a private, commercial trade association consisting of companies engaged in business for profit" the power to determine "the eligibility of their competitors to participate in programs under applicable federal and state laws." It asked that NHSC be ordered to restore accreditation or the Commissioner of Education, to revoke his recognition of the NHSC accrediting commission.[32]

The suit posed fundamental issues involving the economic consequences of accreditation, the fairness or due process of accrediting agency decisions, and the regulatory role of the Commissioner of Education with regard to recognized agencies. However, these issues were never resolved because CCM and NHSC agreed to an out-of-court settlement.

NHSC agreed to allow a school to comment on the accrediting team report before its submission to the accrediting commission, and to make an oral presentation to the commission, to have counsel present, and receive a record of the presentation. The school would be promptly notified of the grounds of any denial of accreditation and, on appeal, a further hearing would be granted at "the earliest practical time." All actions would be confidential until the commission ruled on the appeal. The composition of the commission would be reviewed by NHSC and submitted to OE for approval. NHSC would list the CCM schools in its directory of accredited institutions and circulate a public notice of their continued accreditation.

Between the initial disaccreditation in 1969 and NHSC's review a year later, CCM reportedly spent some $1.5 million on its home study programs; eveything from texts to the paint on the buildings was refreshed. As the schools retained accreditation, they kept their good name and the special governmental benefits accruing to accredited schools. Brokerage houses also stopped sending out cautionary notices to prospective buyers of CCM stock which, immediately after the disaccreditation announcement, dropped 16 percent in value or a loss of $75 million on the 13 million shares outstanding.

San Francisco State School of Social Work

The Council of Social Work Education accredits graduate programs of social work. San Francisco State College instituted such a program in 1967 and two years later applied for accreditation. The accrediting commission team visited the campus during tumultuous days of demonstrations and confrontations. Due to the tense atmosphere, the commission deferred action and sent in a second team--which found the students on strike and police all over campus. This team recommended against accreditation and the college's application was rejected. The college appealed, and a number of graduates who, with unaccredited master's degrees, now found themselves ineligible for certain jobs and salaries, hired a lawyer and sought to intervene in the appeal.

It was only the second appeal in the council's history. The combination of this hot potato and the unusual request for student intervention led the council to William Tayler, counsel in the Marjorie Webster case which will shortly be related. On his advice, the council appointed an independendent three-man appeal board, which reviewed the written record and then heard witnesses for the council, the school, and alumnae. Each party could cross-examine the others. In due course, the appeal board reaffirmed the commission's decision.

The "Ole Miss" Law School

Another example of careful procedures to ensure fairness is afforded by the Association of American Law Schools-University of Mississippi case.[33]

In 1966, the "Ole Miss" Law School obtained a grant from the Office of Economic Opportunity to establish a legal services program for the poor. That same year, the state Board of Trustees of Higher Education adopted a statement authorizing outside employment, provided "that it does not bring discredit to the institution and that it does not bring the employee into antagonism with his colleagues, community, or the State of Mississippi...." Over the next two years, the OEO program came under attack from state legislators, the governor's office, and local lawyers, who charged program staff with soliciting cases, helping clients to sue the state, and promoting civil rights demonstrations. Particularly grating to legislators were suits to desegregate Marshall County schools and to void the one-year residence requirement for welfare benefits.

In April 1968, a state senate committee quizzed the law school dean and university chancellor in a closed session. In June, Porter Lee Fortune, the newly inaugurated university chancellor, announced that the "ties between the Old Miss Law School and North Mississippi Legal Services will be severed." Newspapers recounted the political pressures exerted on the chancellor whose decision was made without consulting the law school dean or faculty. The administration then invoked the 1966 employment regulation to halt three faculty members' part-time involvement in the legal services program, though the law faculty had voted unanimously to continue their joint employment. Subsequent denials of salary increases for the dean and certain other faculty members led to the dean's resignation.

The December 1969 meeting of the AALS heard a report of these events and recommended that Mississippi be suspended for violations of academic freedom and faculty governance "unless affirmative changes in climate were demonstrated." At the request of a Mississippi faculty representative, a hearing was scheduled before the AALS executive committee. The report was not contested, but it was noted that the university had moved to revoke the outside employment rule and to reinstate dismissed faculty members.

A February hearing in Atlanta investigated further charges that AALS procedures were not followed in the selection of the new dean. In response, the chancellor pledged that he would henceforth comply with these procedures. However, at an AALS hearing in August, state restrictions on campus speakers renewed doubts as to whether a favorable climate of academic freedom had been restored. At yet another hearing in December, faculty members testified in private and an anonymous stenographic record was made. Nearly all of the faculty attested that they felt no fear and that the chancellor would protect academic freedom.

The AALS executive committee thereupon concluded that, as the school had taken significant corrective action, it should not be suspended though the Chancellor and Board of Trustees would be censured for their violation of AALS rules. The school was placed on "continuing surveillance" for two years. One committee member commented:

> ...those who would cause "trouble" are gone, along with their "troublesome" legal services program; those who remain are likely to...minimize "trouble"....Expulsion or suspension would hurt most the...faculty and the students of the Law School. It would hurt least the Board of State Institutions of Higher Learning, which has been and apparently still remains, the main threat to academic freedom....It seems to me that only a frustrated and ill-directed

> sense of revenge would call for expulsion or suspension, and that censure and surveillance are the most effective sanctions available....

The American Association of University Professors, also involved in this case, placed Mississippi on its list of censured universities, where it remained in 1973.

St. John's University

Also censured until 1970 because of an earlier academic freedom and tenure case was St. John's University in New York. The AAUP, American Civil Liberties Union (ACLU), United Federation of College Teachers, the Middle States Commission on Higher Education, and the Roman Catholic Church all became involved in what has been termed "one of the bitterest disputes in American academic history."[34]

Smouldering friction between St. John's faculty and administrators developed from the "growth crisis" of the early 1960s. In less than a decade, the small university of the Vincentian Fathers became the largest Catholic university in the country with 13,000 students in 1965. Over half the staff had been on the faculty under five years, and 90 percent were laymen, with the Vincentian fathers concentrated in the theology and philosophy departments.

The AAUP goals of higher salaries, tenure, and greater faculty influence were unwelcome to the administrators of St. John's, where salaries were the lowest of the nation's ten lay Catholic universities, and tenure was almost unknown. A fledging AAUP chapter was not recognized until the fall of 1964, when the United Federation of College Teachers tried to organize.

During 1964-65, the AAUP and UFCT acted in concert, and both faculty and students demonstrated against the administration. In the spring of '65, the administration announced salary and fringe-benefit increases, a self-study, and the formation of a faculty planning council. Nonetheless, faculty and student criticism persisted and, in December, the administration retaliated. The planning council was abolished and 32 faculty members were notified that their contracts would not be renewed; 22 of these were suspended immediately. No reasons were given, but 20 of the group were union members and all lacked tenure. President Cahill declared:

> Here was this group of people trying to tear down the foundations of the place...what they wanted was to ruin the university as a Catholic institution....They're battering against all the barriers--sex, religion, politics, everything. The least we can do is try to offer some sort of counter to that. Then these people come along and say they're going to teach what they want to teach--complete license, that's what that is! We're not going to have it![35]

The UFCT demanded immediate reinstatement of those dismissed and called for a faculty strike in January. The AAUP chapter, enlarged by a sudden influx of Vincentian members, voted against support of the strike. However, thirty other New York area chapters adopted "the strongest stand ever taken against a school in the entire history of AAUP," which had traditionally opposed faculty strikes.[36] The chapters advised their members and students not to accept teaching positions at St. John's.

On December 22, the university trustees modified their policy-making functions and endorsed a 1940 AAUP statement on academic freedom and tenure. On December 30, Albert Meder, chairman of the Middle States Commission on Higher Education, stated that any investigation "was not in order at this time, especially since the commission, as a matter of longstanding policy, does not deal with the grievances of individual faculty members."[37] UFCT president Israel Kugler and Father O'Reilly, president of its St. John's chapter, charged Meder with "becoming a prejudiced partisan of the St. John's Administration."[38]

Shortly, however, Middle States did investigate the affair. Its initial report, issued in April, held that the firings were "reprehensible," but that the trustees had acted "responsibly," in full awareness of the nature and probable consequences of their actions, and without interference by church authorities. For the time being, accreditation would continue. "St. John's University has made grievous errors and refuses to explain publicly the bases on which its actions were taken. But it has explained itself to the commission...."[39] In an accompanying letter to the president of every institution accredited by Middle States, Meder explained that, on the strength of a "full confidential disclosure" from the St. John's administration, "we can...conscientiously refrain from revoking...accreditation...at this time. More than this we are not free to say. We ...can only hope you will have confidence in us and therefore cheerfully accept as valid actions that you manifestly cannot understand and that we regretfully cannot more fully explain."

To union president Kugler, this was "just another evidence of the fact that Middle States Association is another captive of [college] administrative forces generally, who do not regard academic crimes, such as St. John's--where people are thrown out during the middle of a semester--as having any force and effect on the accreditation of that institution."[40] The April annual meeting of the AAUP severely censured St. John's, recommending that no member accept appointment there. Middle States' failure either to disaccredit the university or to put it on probation led the meeting to resolve that "the time is overdue for major faculty participation in the accreditation process."[41]

In the fall, a Middle States team visited the campus. The accrediting commission received statements criticizing the university administration, and the commission's failure to rebuke it, from:

--A National Citizens' Committee to Defend Academic Freedom at St. John's University, which placed a full page ad in the New York Times entitled "Is Censured St. John's University Worthy of Accreditation?" signed by 300 faculty members.

--The St. John's student newspaper.

--The UFCT.

--The American Civil Liberties Union academic freedom committee.

--The AAUP.

Meder rejected an AAUP request for a meeting until after the commission had completed its discussions, in order "to maintain its traditional position (which is contrary to that of some accrediting commissions) that it does not hear orally from interested parties in any accreditation case formally before it...."[42]

If St. John's remained accredited, the AAUP might either be weakened or driven to greater militancy. Disaccreditation might increase the influence of the UFCT, formerly a weak organization, which had gained prominence from the strike; and it might also seem to vindicate the union's tactics of strike, picket, and boycott.

The final Middle States report, released in December 1966, adopted a middle ground. The university was asked to "show cause...why its accreditation should not be revoked" and given a year "to strengthen the administrative structure...to improve understanding on the part of the Trustees, administration and faculty of the objectives of higher education and procedures appropriate to their attainment, and to bring the University more fully into the mainstream of American higher education...." The report stated:

> Accreditation is not an accolade or certificate of merit awarded to exemplary institutions, to be removed by the Commission when an offense that seems heinous to some portion of the academic public has been committed. Loss of accreditation comes about because of loss of educational effectiveness....the Commission does not remove an institution from its list until that institution has had an opportunity to put its affairs in order....an order to show cause...is a more constructive method of accomplishing improvement than the summary revocation of accreditation. Indeed, it regards a show cause order as comparable in kind to revocation and only slightly less severe....

Although the report did not endorse demands for the redress of the grievances of fired faculty, Meder told the press that "St. John's should stop making generalized charges and deal with the dismissed faculty individually....[The administration] have done wrong and must admit it in their actions."[43] The university accepted the report and cited reforms already undertaken, including the establishment of a university senate and faculty councils, the acceptance of AAUP tenure procedures, greater autonomy in student governance, and a reconstituted board of trustees.

In August 1967, Harry Mills, former provost of the University of Rochester and Long Island University, long active in Middle States accrediting, was installed as St. John's first Protestant academic vice president and provost. Under Mills, the situation greatly improved so that by 1973, the university was described by one observer as a "stronger, more democratic, better academic institution" where "morale is up, regulations are improved, and teachers have an enlightened collective bargaining contract" (negotiated by the AAUP in 1972). Middle States' probation was lifted in 1968, though "surveillance" continued until 1972.

Middle States' spokesmen are proud of the patient, constructive, and effective way the association acted. AAUP representatives remain critical of the association's slow response.

In 1968, the UFCT and the university agreed to submit fourteen faculty cases to binding arbitration, but only one, that of Father O'Reilly, was processed; O'Reilly lost that case. Eight other cases were dealt with by the AAUP, which finally voted to remove St. John's censure in 1972.

The Marjorie Webster Case

The most famous suit against a regional accrediting agency also involved Middle States.

A small two-year college for women, Marjorie Webster Junior College was a closed corporation owned and controlled by descendants of Daniel Webster. Founded in 1920, the school was authorized to grant Associate in

Arts degrees by the District of Columbia Board of Education in 1946. It offered "terminal" and "transfer" courses in seven departments for students seeking associate degrees or transfer credits to four-year institutions.

In 1964, Middle States and its five sister regional commissions established the Federation of Regional Accrediting Commissions of Higher Education (FRACHE) to represent them in matters of common interest and to develop uniform policies, standards, and procedures. A policy statement on eligibility for regional accreditation issued by FRACHE that year declared that "the institution should be a non-profit organization with a governing board representing the public interest."

Relying on this statement and its own longstanding practice, Middle States refused Marjorie Webster's requests for evaluation because of the school's for-profit status. Its suggestion that the school become nonprofit was rejected by the Websters on the ground that such a conversion would tax them at ruinous rates and oblige them to surrender to what they felt was a discriminatory policy. In 1966, C. William Tayler, Webster's counsel, asked Middle States to waive its exclusionary policy, evaluate the school's programs, and admit it to membership if it qualified. This request was again rejected. Thereupon, the college filed suit to compel an evaluation. After two-and-a-half years of exhaustive preparation, a ten-week trial without jury was held early in 1969, before Judge John Lewis Smith, Jr. in the U.S. District Court in the District of Columbia.

The college charged that Middle States was a monopoly in restraint of trade within the meaning of the Sherman Anti-Trust Act. Because the college was unaccredited, the argument ran, it could not compete with accredited nonprofit institutions in attracting students; students would have difficulty transferring their credits to other colleges, enrollment in transfer courses would decline, and the school's existence was jeopardized.

This was the first time that the anti-trust laws had been invoked in this manner. The central issue was whether Middle States' exclusion restrained Marjorie Webster's trade, and, if so, whether the basis of exclusion was fair and defensible.

The threshold issue, however, was whether education was "trade or commerce" within the regulatory scope of the Sherman Act. Judge Smith ruled that it was:

> The myriad financial considerations involved in building programs, teachers' salaries, tuitions, and miscellaneous operating expenses attest to the commercialization which necessarily exists in the field of higher education....Also there is a commercial aspect to the sharp competition for government and private contracts and the quest for research grants. In 1967-68 institutions of higher education expended more than $17 billion dollars....Higher education in America today possesses many of the attributes of business.... the question is not whether the defendant association is engaged in trade but whether plaintiff's trade has been restrained.[44]

The court next looked at the for-profit exclusion to see if it was reasonably related to the association's stated purposes of "establishing standards of quality and identifying institutions which achieve them." Middle States called 26 witnesses, and Marjorie Webster, 22. Their contradictory opinions on the profit motive in education echoed through the courtroom.

Middle States witnesses argued that the profit motive was at odds with the best educational practice. "The goals of profit and of providing the best possible education utilizing the total resources of the institution are incompatible," New School for Social Research President John R. Everett attested. "...a primary profit motive...would seem to make the educational goal or the educational motive secondary." Witnesses also pointed to the potential lack of continuity in proprietary institutions whose character could instantly be changed by the owner's fiat; the weak position of a faculty unprotected by tenure; and the lack of educational "integrity" in an institution dominated by profit motives.

Marjorie Webster witnesses testified that educational quality was not determined by an institution's tax status. The important question was not whether *all*, but *adequate*, resources were devoted to the educational program. Since the profit motive fostered the efficient and *effective* use of resources, it was an educational asset, not a drawback.

In the view of University of Chicago economist Milton Friedman, institutions could make a profit only by providing services that people were willing to pay for. Therefore the interests of a proprietary school tended to coincide with those of its customers: if it provided poor service, it would get few customers. Hence, the pursuit of profit in a system of open competition and free student choice would produce quality education. More proprietary education would offer "greater...alternatives to the students, and a wider market to faculty to teach, and a greater amount of funds available to finance the capital and the current spending funds of institutions of higher learning...."

To the argument that for-profit schools risk sudden changes of policy, Webster's witnesses replied that student upheavals had come at public and nonprofit schools, which could change overnight with the inauguration of a new president, school board, or governor. "The greatest danger to institutional integrity...comes from a Board of Trustees or a state legislator or governor, devoted to promotion of a particular ideology."

Judge Smith eventually held that "Educational excellence is determined not by the method of financing but by the quality of the program....an efficiently operated proprietary institution could furnish an excellent educational curriculum whereas a badly managed nonprofit corporation might fail....There is nothing inherently evil in making a profit...[or] commendable in operating at a loss." The judge found that membership in Middle States yielded special advantages, and that the exclusion of proprietary institutions did not further the association's objectives: "Such a discriminatory exclusion without evidence to justify it must be found arbitrary and unreasonable. Since the criterion is arbitrary and unreasonable, Webster is entitled to relief."

Webster had contended that, as accreditation was a condition of eligibility in government programs, Middle States was performing inherently governmental functions and its acts were subject to constitutional requirements of due process. Middle States retorted that it simply supplied accreditation information to government officials as well as to private citizens and had no control over what they did with it; it did not "perform services" for any government body. However, John Proffitt of the U.S. Office of Education testified:

> Accreditation has become fundamentally speaking, a service aspect of the Federal Government....
>
> Most of the major pieces of legislation provided that ...an institution shall be accredited or that it shall have reasonable assurance of accreditation....
>
> Now in 1965 and '66 and the early part of '67, the Office of Education sought to implement the "reasonable assurance" provision of the major pieces of legislation....
>
> An agreement was arrived at between the Office of Education and the six regional associations that...[they] would provide...a letter...regarding an institution which the accrediting association found to have reasonable assurance that it would become accredited within a reasonable period of time.

Perhaps the most convincing evidence on this point came from an internal FRACHE statement of the rationale for its "correspondent" status:

> For the past two and one-half years, the six regional accrediting associations have operated as service agencies for the U.S. Office of Education in helping to determine the eligibility for participation in federal aid programs for newly founded institutions. The decisions involved in these cases have been made explicitly for this purpose and have been shared only with the USOE through correspondence related to each institution considered. In effect, it may be construed that the regional accrediting associations have broken with their tradition of complete autonomy and have become party to an implied contract with the USOE.
>
> This relationship with the USOE appears to have seriously altered the philosophical and operational independence of the regional associations from government entanglements.[45]

The court decided all key issues in Marjorie Webster's favor, noting that, while courts do not usually interfere with the internal affairs of voluntary associations, "there is an exception when the Association enjoys monopoly power in an area of vital public concern....[D]efendant acts in a quasi-governmental capacity by virtue of its role in the distribution of Federal funds....Webster seeks merely to be given a chance to qualify, but Middle States refuses even to consider its application for academic recognition. The action is arbitrary, discriminatory and unreasonable."

Middle States promptly appealed. It contended that the Sherman Act was inapplicable to higher education, because it was not a commercial activity; Judge Smith had erred in viewing higher education solely in financial terms: "Teaching, research and scholarship" was its "essential activity." Even if the Sherman Act applied, Middle States exercised no "coercive power" over Webster's educational activities, which had not been adversely affected by nonaccreditation, since its enrollment had doubled in ten years. Any recent decline in the number of Webster applicants was probably due to the D.C. crime rates, the 1968 riots, and the fact that Webster was not coeducational. Webster's 1968 catalog boasted that graduates "have been accepted with advance standing in approximately two hundred universities throughout the country"--up from one hundred in the 1966 catalog.

To support its contention that it was a voluntary, and not quasi-governmental, organization, Middle States cited Judge Hoffman's opinion in the Parsons College case. "The fact that the acts of the Association in granting or denying accreditation may have some effect under governmental programs of assistance to students or colleges does not subject it to the constitutional limits applicable to government...." The introduction of profit-making members, Middle States argued, would change the nature of the association because the present common denominator--"devotion of all resources to improvement in education--would be debased by the desire of some members to make as much money as possible...."

The Webster Appeal Brief argued that trade included "the rendering of services in exchange for payment" and should "cover all occupations in which men are engaged for a livelihood." Lack of accreditation was a restraint on Webster's trade because it affected its ability to compete for students, stigmatized the school as inferior, and thereby caused it irreparable injury. "Restraint of trade does not mean destruction of trade." On the quasi-governmental question, the brief stated: "Unlike most other countries of the world, the United States has no ministry of education or other centralized authority which exercises direct control over educational institutions....private accrediting associations have undertaken this inherently governmental function of establishing standards and identifying those institutions which achieve them...."

The three-judge Court of Appeals ruled "that the Sherman Act is not applicable to Middle States conduct...; that the circumstances are not such as to warrant judicial interference with the accreditation and membership policies of Middle States; and that, assuming the Due Process Clause to be applicable, Marjorie Webster has not sustained its burden of showing irrationality of the policy in question as applied to bar consideration of Marjorie Webster for accreditation." The court rejected the proposition that all higher education comes under the anti-trust laws, which were "tailored...for the business world, not for the non-commercial aspects of liberal arts and the learned professions." It agreed with Middle States "that the desire for personal profit might influence educational goals in subtle ways difficult to detect...[and] destructive, in the long run, of that atmosphere of academic inquiry, which appellants' standards for accreditation seek to foster."[46]

Thus the court reversed Judge Smith and the Supreme Court subsequently refused to review the case.

In October 1971, the Webster family sold the school to two closely held entities, the University Research Corporation and the Portals Corporation, for $2.5 million. URC held government contracts to develop training programs for health paraprofessionals. In 1972, two of these programs were housed on the Webster campus. That fall, only 70 students remained at Marjorie Webster, many of them, apparently, due to their reliance upon an outdated catalog which did not reflect the school's changed ownership or lack of accreditation. Three students who visited the George Washington University registrar were told that "Webster is regionally unaccredited and we don't accept their transfer credits."

Though it lost the battle, Marjorie Webster may have won the war, for FRACHE and the regional associations have been reexamining the eligibility for accreditation of degree-granting proprietary schools.

Notes

1. "Honorary Spoof," Time, July 5, 1971.

2. Linda Charlton, "Many Here Hold Doctorates of Un-Accredited College," New York Times, July 13, 1972, p. 39.

3. Seth King, "Self-accredited Indiana School Plans Joint Program with Center Being Investigated Here," New York Times, July 23, 1972.

4. Quoted in Stephen H. Spurr, Academic Degree Structures, McGraw-Hill, New York, 1970, p. 39.

5. See Louis W. Bender and James A. Davis, Danger: Will External Degrees Reincarnate Bogus Degree Mills?, Department of Higher Education, Florida State University, Tallahassee, 1972, pp. 7-12.

6. New York Times, February 7, 1950.

7. The "Special Notice" appeared in the Higher Education Directory until 1969 and in Accredited Postsecondary Institutions and Programs in 1971.

8. "Diploma Mills: Buying Your Way to a Doctorate," College and University Business, February 1972, p. 29.

9. The following account of NEAA is drawn from the Federal Trade Commission hearings before examiner Walter K. Bennett, FTC Docket No. 8820, November 16-24, 1970.

10. Federal Trade Commission, Final Order re Ohio Christian College, Docket No. 8820, May 19, 1972.

11. "Mail Order College," Newsweek, July 26, 1965, p. 86.

12. The Reverend Dr. Keck, International General Superintendent of the Calvary Grace Christian Churches of Faith, Inc., and Langdon established contact sometimes in the early 1960s. While setting up his church and accrediting association, Keck created Faith Bible College, of which he was president and granted himself Bachelor of Arts and Bachelor of Divinity degrees. NEAA accredited two of The Reverend Dr. Keck's colleges, which conferred degrees on Langdon, his wife, and others without any resident study.

13. Ohio Christian College, Docket No. 8820, Hearing, op. cit., pp. 224-25.

14. Harry Franken, "Injunction Cites Phoney School," Citizen Journal, January 18, 1972, p. 15.

15. The foregoing account and quotations are drawn from the recommendations of hearing examiner Andrew C. Goodhope, in LaSalle Extension University, Federal Trade Commission Docket No. 5907, October 19, 1970.

16. Final Order re LaSalle Extension University, Federal Trade Commission Docket No. 5907, June 24, 1971.

17. Petition to Review an Order of the Federal Trade Commission filed by LaSalle Extension University, U.S. Court of Appeals, Seventh Circuit, September 1972.

18. "Special Notice," Accredited Postsecondary Institutions and Programs, Office of Education, 1971, inside back cover.

19. FTC Docket No. 8820, November 1970, p. 351.

20. Jessica Mitford, "Let Us Now Appraise Famous Writers," Atlantic, July 1970. Unless otherwise noted, subsequent quotations in this section are drawn from this article.

21. April 10, 1974 letter from William M. Goode, Sacramento, Calif.

22. Assurance of Voluntary Compliance from Famous Artists Schools, Inc., Federal Trade Commission, July 29, 1969.

23. Parsons College, Inc. *v*. North Central Association, *Federal Supplement*, Vol. 271, p. 65 (Northern District Illinois 1967).

24. James O. Koerner, *The Parsons College Bubble*, Basic Books, New York, 1970, p. 45. Unless otherwise noted, subsequent quotations in this section are drawn from this book.

25. Parsons *v*. North Central, *op. cit*.

26. John Frook, "The Wizard of Flunk-Out U," *Life*, June 3, 1966, p. 81.

27. Koerner, *op. cit*., pp. 178, 209.

28. "Boom Over, Parsons College Tries to Make a Comeback," *Chronicle of Higher Education*, May 1, 1972, p. 4.

29. *Higher Education and National Affairs*, June 8, 1973, p. 7.

30. U.S. School of Music, Inc. *et*. *al*. *v*. National Home Study Council, Affidavid of Warren B. Smith in Support of Motion for Temporary Restraining Order, District Court, District of Columbia, December 15, 1969.

31. *Ibid*.

32. U.S. School of Music, Inc. *et*. *al*. *v*. Robert H. Finch, *et*. *al*., complaint filed in District Court, District of Columbia, January 19, 1970.

33. This account is drawn from the *Association of American Law Schools 1970 Proceedings*, Part Two, pp. 183-221.

34. William Trombley, "St. John's University Gripped by 'Civil War'," *Los Angeles Times*, February 6, 1966.

35. *Ibid*.

36. "Administration, profs gird for long St. John's strike," *National Catholic Reporter*, January 5, 1966.

37. *Ibid*.

38. Homer Brigart, "St. John's Head Defends Stand," *New York Times*, January 1, 1966.

39. Middle States Association Commission on Institutions of Higher Education Statement Regarding St. John's University, April 29, 1966.

40. Robert Dallos, "St. John's To Keep Its Accreditation But Gets Warning," *New York Times*, May 1, 1966.

41. *AAUP Bulletin*, June 26, 1966, p. 124.

42. Meder letter to AAUP General Secretary William P. Fidler, October 3, 1966.

43. Gene Currivan, "St. John's Warned Its Accreditation May Be Revoked," *New York Times*, December 2, 1966.

44. Marjorie Webster Junior College, Inc. *v*. Middle States Association of Colleges and Secondary Schools, Inc., *Federal Supplement*, Vol. 302, p. 459 (District Court, District of Columbia, 1969).

45. Quoted in James D. Koerner, "The Case of Marjorie Webster," *The Public Interest*, Summer 1970, p. 51.

46. Marjorie Webster Junior College, Inc. *v*. Middle States Association of Colleges and Secondary Schools, Inc., *Federal Reporter*, 2nd Series, Vol. 432, p. 650 (District of Columbia Circuit 1970).

Appendix II. The Accreditation of Veterinary Schools

The first veterinary school, founded in Lyons in 1761, was followed by the establishment of 36 others in Europe before the first American institution opened in 1852. The early American schools were private, their standards were low, and most were short-lived--three graduated one student apiece before closing.

Veterinary medicine was specifically included in the prescribed curricula of the land-grant colleges authorized by the Morrill Act of 1862, the year the Department of Agriculture was created. In its campaign against animal diseases, the department's Bureau of Animal Industry conducted many pre- and post-mortem animal inspections. Eligibility for the first civil service examination for its veterinary inspectors, held in 1894, was dependent upon graduation from a veterinary college.

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U.S. Army General Orders of 1879 stated that, thereafter, "all appointed veterinary surgeons...were to be graduates of established and reputable veterinary schools or colleges." However, while medical doctors received commissions, Army veterinarians received a rank and precedence comparable to that of a sergeant major, and it was suggested that this was unlikely to change until the educational preparation of candidates for veterinary school approximated that of candidates for medical schools.[1] It would be many years before that happened. Lists of the state laws then governing veterinary practice bore many "no requirements" entries.

Despite their often lax standards, private schools provided the bulk of veterinarians engaged in private and governmental practice from the days of the Civil War to the end of World War I. Their graduates manned the colleges, the emergent agricultural experiment stations, and state and federal veterinary departments. They organized veterinary associations and induced state legislatures to enact veterinary practice acts.

The competition among private schools led to the admission of unqualified students who, if they failed at one school, were welcomed at the next. Thus, Ontario Veterinary College offered a two-year program long after other colleges had adopted a three-year standard; it advertised that applicants must be able to read and write, but that requirement was waived until the beginning of the second year. Many American students enrolled first at Ontario and then completed their training in the States. At the two-year schools of the 1880s and '90s, students heard the same lectures twice, sitting on the front benches as juniors and the back ones as seniors.[2]

One factor that slowed the growth of formal education was the "every man his own vet" attitude of farmers. The Bureau of Animal Industry's handbooks on animal diseases helped many to do without a veterinarian. County agricultural agents also performed, or attempted to perform, certain veterinary functions.

In 1908, more than 800 bureau veterinarians were engaged in meat inspection and other efforts to eliminate animal diseases. As the Department of Agriculture became the principal employer of veterinarians, it became increasingly concerned about the quality of their training. The Secretary of Agriculture appointed a committee to investigate the curriculum of veterinary colleges and to advise on the courses needed to qualify graduates for the civil service veterinarian examination. Members included the secretaries of the American Veterinary Medical Association and the Association of Veterinary Faculties and Examining Boards, the president of the Chicago Veterinary College, the Ohio state veterinarian, and A. M. Farrington, assistant chief of the Bureau of Animal Industry. The committee visited all veterinary colleges in the United States and one in Canada, classifying them into three grades in terms of their graduates' eligibility for the civil service examination: A, eligible (11 schools); B, formerly eligible, now ineligible (4 schools); C, ineligible (4 schools). The committee also offered recommendations on the courses, and the minimum number of hours in each course, needed to qualify for the examination.[3]

A committee of bureau staff chaired by Farrington implemented the recommendations by appropriate regulations governing eligibility for the examination. These were published in 1909 in a pamphlet detailing the courses at veterinary colleges and listing the colleges "accredited and qualified to supply the graduates eligible to enter the...civil service examinations." It was explained that "no power to direct or control the work of the veterinary schools or colleges is claimed by the Civil Service Commission or by the Department of Agriculture. The regulations which follow merely indicate what are the requirements of the Government as to veterinary schools and colleges whose graduates are admitted to examinations for veterinary inspectors in the Bureau of Animal Industry."[4] One regulation indicated the courses to be taken; another, the hours to be devoted to each; a third, the length of the entire program--three years, each consisting of at least six and a half months or 150 days (eight and a half months, if the courses were taken after 6:00 p.m.) for a total of

3,000 hours, including 150 hours of clinical instruction. The accredited colleges listed in the pamphlet were not graded, merely alphabetized; a number of foreign colleges were included.

The National Defense Act of 1916 authorized the formation of an Army veterinary corps and the commissioning of veterinarians in the grades of second lieutenant through major, provided they had graduated from "a recognized veterinary college or university"; noncommissioned ranks were provided for under general orders. At the peak in October 1918, the Army had 18,007 veterinarians, two-thirds of whom served overseas.[5] Sixteen enlisted personnel were assigned to each 400 animals. However, some 60,000 animals were apparently acquired by the American Expeditionary Force before a veterinary hospital was opened. More than a year after American troops arrived in France, veterinary services remained inadequate, as indicated by a high incidence of contagious diseases among the animals.

One work attributes the improvement in educational standards immediately after the war to orders of the Army surgeon general who, in 1918, required at least two years and, in 1920, four years of prior high-school for veterinary students to be exempted from military service. As a consequence, private veterinary colleges which had dominated the American Veterinary Medical Association "toppled, one after another, leaving all veterinary education to publicly supported institutions ...."[6]

The Army's wartime demands for veterinarians had led to a relaxation in the schools' requirements for entrance and an acceleration of training. New regulations issued jointly in 1918 by the Secretary of Agriculture and the head of the Civil Service Commission sought to elevate standards. They stipulated a 3,380 hour, four-year program of study and instructed staff of the Agriculture Department to "maintain such supervision of the work of the veterinary colleges as shall enable it to secure the requisite information to determine whether such colleges are faithfully complying with the minimum standard of requirements indicated in these regulations."[7] The rise in standards led to a fall in enrollments. For several years, the number of graduates fell below the number of veterinarians leaving the profession by retirement or death.

It was during this period that the AVMA eased into the business of accreditation, as part of the general interest of the profession in educational improvement. There is little suggestion of conflict between its work and that of federal veterinarians; the AVMA 1927 list of accredited colleges was almost identical with that of the Bureau of Animal Industry.

As of 1942, ten U.S. or Canadian and seventeen foreign schools were on the bureau's list. The American schools enrolled 2,509 students and graduated 555 that year.

During World War II, the Army Specialized Training Program contracted with the ten approved schools to train veterinarians and veterinary technicians. At the peak period of the war, the Army had some 56,000 horses and mules and the veterinary corps, 2,100 officers and 6-8,000 enlisted men. The entry rank for officers was now first lieutenant and the highest rank held by a veterinarian, colonel; since 1966, the entry rank has been captain and, in 1973, the commanding officer of the corps was a brigadier general.

After the war, the number of veterans who, aided by the

G. I. bill, wished to enroll exceeded the capacity of veterinary schools. New schools were established and, by 1972, a total of 22 were accredited in the U.S. and Canada.

For many years, the Bureau of Animal Industry published the only list of approved foreign schools, whose graduates could apply for jobs as bureau veterinarians. The schools were "evaluated by means of mailed questionnaires, personal knowledge of veterinarians in the United States, and statements of agricultural attachés of the countries where the schools are situated,"[8] and, whenever possible, by personal visits by members of the Committee on Foreign Education. Starting in 1950, the American Veterinary Medical Association published and periodically revised its own list of foreign veterinary colleges deemed comparable to U.S. schools, which it had been accrediting since the 1920s. The bureau's list of foreign schools differed from the association's, and the validity of both was debatable. Regular inspections were difficult, and impossible for schools behind the Iron Curtain whose graduates sought U.S. employment. Yet a third list of foreign schools was maintained by the Army, as a guide to the commissioning of veterinarians. In 1973, the AVMA replaced its earlier list with one developed by a system similar to accreditation, with a form of self-study followed by a site visit. However, foreign schools were "approved" rather than "accredited," a term reserved for U.S. and Canadian schools.

The AVMA was included on the Commissioner of Education's list of recognized accrediting agencies published in 1952 under the terms of the Korean G.I. Bill, and on the first list of recognized agencies issued by the National Commission on Accrediting four years later. Only in 1957,

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apparently, did William Selden, second director of NCA, learn accidentally that the Department of Agriculture was accrediting veterinary schools--and had been doing so for fifty years. It took four more years to conclude the negotiations which NCA thereupon initiated to terminate this activity and have the department and the Civil Service Commission rely instead upon the work of AVMA. These negotiations were aided by the fact that ranking veterinarians of the Agriculture and Army departments were represented in the councils of the association. Over the years, Agriculture had provided at least six AVMA presidents and the Army, three; of the nine-member AVMA council on education, one was designated to represent governmental, military, and public health services, respectively.[9] The AVMA, agriculture officials, and veterinary college deans reached agreement before long, but it took another three years to gain the concurrence of the Civil Service Commission. In 1961, CSC's qualification standards for veterinarians for the first time specified a full course of study at a school accredited by AVMA, or comparable work at an unaccredited school. Foreign applicants also had to meet AVMA standards. The Army had likewise relinquished its list of approved schools for that of the AVMA.

The AVMA "Essentials of an Acceptable Veterinary School," issued in 1941, indicated the subjects to be taught and the percentage of time to be devoted to each subject throughout the four-year curriculum. The latest version of these "Essentials," adopted in 1969, requires that a veterinary school be a major division of an accredited institution of higher learning and be headed by a dean who is a veterinarian; that it have sources of revenue other than fees; that all facilities be adequate to the number of students enrolled; and that the curriculum extend over at least four academic years of 32 weeks, each with at least 30 hours.

Thus, the accrediting and/or approving of veterinary schools by the Department of Agriculture preceded similar accrediting by the American Veterinary Medical Association. The unusual educational role of the Agriculture and Army departments was associated with their unusual role in the employment of veterinarians. (In 1957, the Department of Agriculture alone employed over half of the nation's veterinarians on a full- or part-time basis.)[10] The reduction, in recent decades, of their direct role in setting educational standards has been accompanied by a decreased participation of government veterinarians in AVMA affairs, and by a relative decline in the number of veterinarians employed by the government.

I. The Accreditation of Veterinary Schools

1. See Olaf Schwarzkopf, "Requirements of Preliminary Education," American Veterinary Review, October 1908, p. 45.

2. See Louis A. Merillat and Delwyn M. Campbell, Veterinary Military History of the United States, Veterinary Magazine Corporation, Chicago, 1935, pp. 331-2.

3. Report and Recommendations Regarding Veterinary Colleges in the United States, Bureau of Animal Industry, U.S. Department of Agriculture, Circular 133, July 6, 1908.

4. Regulations Governing Entrance to the Veterinary Inspector Examination, Bureau of Animal Industry, U.S. Department of Agriculture, Circular 150, 1909, p. 1.

5. Everett B. Miller, U.S. Army Veterinary Service in World War II, Office of the Surgeon General, Department of the Army, 1961, pp. 5-6, 12.

6. Merillat and Campbell, op. cit., pp. 19, 327.

7. Regulations Governing Entrance to the Veterinary-Inspector Examination, Office of the Secretary, U.S. Department of Agriculture, 1918.

8. R. E. Rebrassier, "Veterinary Medical Education," in Lloyd E. Blauch, ed., Accreditation in Higher Education, U.S. Office of Education, 1959, p. 218.

9. Ibid., p. 215.

10. The Agricultural Research Service "employs more than 1400 full-time veterinarians....Most of these are engaged in regulatory activities pertaining to food inspection and the control and eradication of livestock diseases....In addition to these full-time veterinary employees, there are

about 7,000 private practitioners employed part-time by ARS on a fee basis in regulatory activities of a veterinary character....Many additional veterinarians engaged in private practice have been Federally accredited to perform certain official regulatory functions. Taking into consideration all phases of regulatory veterinary medicine, the ARS has a direct responsibility in the qualifications of approximately two-thirds of the veterinarians in the United States. This explains the interest taken by the Department concerning the manner in which veterinary education is conducted both in this country and abroad" ("Consensus of Views Held by Committee Membership on Continuation of Veterinary Education Committee," June 14, 1957 memorandum from C. K. Mingle, Agricultural Research Service, to M. R. Clarkson, Deputy Administrator, ARS).

Notes

1. See Olaf Schwarzkopf, "Requirements of Preliminary Education," American Vetinary Review, October 1908, p. 45.

2. See Louis A. Merillat and Delwyn M. Campbell, Veterinary Military History of the United States, Veterinary Magazine Corporation, Chicago, 1935, pp. 331-2.

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Appendix III.

Visit to the University of K----: Is It a Diploma Mill?

The University of K_____ describes itself as an innovative, non-residential university without walls, operating out of a small office in suburban L_____, without recognition from the educational establishment. It is almost two years old and its future is in doubt.

Its president, A. B., is an outspoken man who emphasizes that he is looking for adult students--mature adults, that is, often age 40 or 50, although nobody is turned away because of age.

"We require a high-school diploma," he says in a December 1972 interview, "and we put a good deal of emphasis on the liberal arts by requiring some 60 quarter hours, plus 40 hours in the student's major field, 16 hours in his minor, thus leaving some 64 hours of electives for a total of 180 quarter units."

Since many of the students have attended college before, often with a scattered collection of credits, the University of K_____ allows up to 16 credits for work experience, and some 48 maximum credits for work which might not normally be considered collegiate. This is because the students are mature, says President B, and typically have accumulated a good deal of knowledge by taking a company-sponsored course or two, or have attended a special workshop. The university tries to evaluate this kind of education and to allow credit for it.

"Let's face it," says B, "they [the students] come to us because they need the degree." He cites the regional manager of a chain of stores, the head of a local reform school, and "nurses, lots of nurses, because they only have three years of nursing school and they want that fourth year and a degree."

The university, whose slogan is "The World is Our Campus," seeks an individual approach in which students are not regimented, the setting is non-competitive and individual study is emphasized. All of this is possible because students do not attend classes. B says that there is no set length of time for each course; since this tends to let students drift, a three-month standard has been set for each course, but this can be lengthened by request.

The University of K____ is in trouble because it has only 140 active students. Some 300 applicants might enroll if the university's legitimacy were affirmed. Not that B would use a word like "legitimacy"; he does admit that the future is uncertain, for how does one establish credibility for a new and innovative institution when things seem to be stacked against it?

His account goes something like this--and his candor is noteworthy:

The university opened in February 1971, chartered under state law as a nonprofit institution. In March, 31 students arrived, having paid a $20 evaluation fee plus $20 for each undergraduate quarter hour. The university promptly applied for membership in the state association of colleges and universities. After sending in a team which spent a day at the university, the association rejected the application. An application to the state association of registrars and collegiate admissions officers was also rejected.

In June, the university applied to the regional accrediting association only to encounter all kinds of delay. Although B was advised to try for accreditation by the National Home Study Council or the Accrediting Commission for Business Schools, he chose not to do so because, in his words, "we didn't want second-rate accreditation; we wanted to be recognized by the _____[regional] Association as an innovative university without walls." B also volunteered that he is the former owner and founder of a private business and technical school, M______College, which he sold in 1967. (An ACBS staff member said flatly: "Never heard of them.")

The regional association sent the university materials for a self-study and, in January 1972, sent a visiting team. The report of that visit, which B offered to show the interviewer but then was unable to find, he summarized as having some good things to say (like the dedication of the faculty, and the attitude of the students) and some negative things (like the lack of a library, and objections to B serving both as president and chairman of the trustees). These and other shortcomings were obstacles to achieving preaccreditation status.

The University of K_____ sought to deal with these obstacles by reorganizing its board of trustees, establishing a library, obtaining a letter of tax-exemption from the Internal Revenue Service, and obtaining three letters from accredited universities stating that they would accept credits on transfer from the university. However, as of December 1972, the regional association had rendered no decision about preaccreditation.

In the meantime, B went to Washington to confer with officials at the U.S. Office of Education, which, he feels, should give the university some kind of recognition so that he, in turn, can assure or reassure students. He left Washington, B says, with the impression that Sidney

Marland, then Commissioner of Education, had promised to send some official to visit the university and investigate the situation. Indeed, B thought the interviewer might be the heralded messenger.

With three private associations rebuffing the new university and no positive response from the U.S. Office of Education, there remained the charter issued by the state. It so happens that this state has been a haven for diploma mills, and B knows it. It is an unfortunate coincidence, he explains, that his university-without-walls happens to be located in a state where it might be mistaken for a degree mill. He acknowledges that the university attempted a doctoral program but dropped it in favor of concentrating on bachelor's programs and a master's, primarily in marketing and administration. The undated current University of K_____ bulletin emphasizes associate and bachelor degrees rather than graduate work.

Cooling in its hospitality to diploma mills, the state enacted a law in 1971 establishing new minimum standards administered by a new board for licensing private colleges. Under the original law, regionally accredited institutions and those whose credit was accepted by three accredited institutions were exempt from licensure. However, upon applying for exemption under the latter provision, President B learned that it had never been utilized by the state board and had subsequently been deleted by the legislature. Thus, lacking accreditation, the University of K_____ had no legal alternative but to apply for a state license. One of the requirements for a license is a financial statement. As B put it, this was a time-consuming business and the certified financial audit was completed only "last week." Also, speaking frankly, he says that the financial picture is not too good because the lack of a license or accreditation or approval for veterans (which cannot be obtained before two years of operation) keeps away students and income.

Its bulletin states that the nonprofit university is dependent upon endowments, grants, contributions, and tuition payments, but B indicates that no grants or contributions have yet been received. About $5,000 in "endowments" have been spent and none have been invested.

Other available funds, B volunteers, have included $20,000 in loans, of which he contributed $10,000 and a student, $5,000. The student, he explains, is a 68-year-old woman who is also a member of the Board of Trustees. "Why, just last week she returned from her summer home in Michigan," remarks Edward S, listed in the catalog as Director, Academic Affairs. "She called me and she is ready to start again. She wants to take a course in medieval history from me and we are ready to start."

What qualifications does S have to teach medieval history? "Well, I'm not really qualified for that, even though I have a master's in political science from the University of Connecticut. But I use this very good text from McGraw-Hill--maybe you know it. It is part of a series and provides a very good overview, so she will get a good idea of the Middle Ages. She is very enthusiastic."

S goes on to display a letter with excerpts of statements of praise from satisfied students. One is from P.M., who is head of a municipal institution and needs a bachelor's degree to hold his job. He is now so pleased that he is planning to go on for a master's. M's file shows that the university allowed him 176 credit hours for military service "life experience" and courses taken elsewhere; he had to take an additional 16 credit hours at K. ("We used to require 192 quarter hours," says President B, "but now only require 180. It's a lot of work to convert semester hours into quarter hours.") M may have gone to all the schools reported by B, but the file documents at most 82 units. [In a December 15, 1972 letter commenting on a draft of this report, B writes, "Your are mistaken about [P. M.'s] credits. His transcipts from ____ and ____ Colleges show 78 semester hours which, converted into quarter hours, is 117; three semester hours at ____ College is four-and-a-half quarter hours, plus four credits from the Board of Parish Education from the ____ Church and four credits awarded by ____ University total 129.5 undergraduate quarter hours credits. Additional credits were awarded for military service, his life experience as head of the ____ County Parental and Juvenile Home and othe specialized schools."]

B explains that M was one of their first students, record-keeping was poor, and the case is atypical. Plainly, M is a satisfied student. He allows the university to quote him and declares that he found the courses very convenient because he could study on his own instead of having to attend scheduled classes which might be interrupted by an emergency on the job. "It is not a correspondence school, you know; I enjoyed it and I knew it was not fully accredited." M mentions that his degree is useful, because he now supervises three facilities and has some Ph.D.'s on his staff. He adds that he attended several colleges; "you know, they never did send all of those transcripts but I must have taken between 90 and a hundred units."

B extracts the file of another student, C, who is, he says, a good example. C was admitted in June 1972. His letter of admission states that he is typical of students who have lots of credits from different schools, more than the number required, and that the University of K_____ will award him a B.S. degree if he takes the 24 units required to round out his education. However, the university will waive the 24 unit requirement and settle for 14 units if he registers for 45 additional quarter units for a Master of Science degree. The letter is signed by Edward S.

Why the tie-in sale? "That's wrong," S agrees. He does not remember signing the letter and quickly explains that the decision was made by an admissions person "who is no longer with us." B, on the other hand, sees nothing wrong with the letter. "That's one of our rules" and he thinks it is a good rule. Perhaps a bachelor's degree ought to precede a master's degree, and perhaps it need not. However, the university was "innovative enough" in other areas without insisting on this additional innovation.

B suggests another "good example," Mrs. G, a registered nurse. The file contains a very recent undated letter of admittance giving credit for some three years of prior education and spelling out the remaining courses to be taken; the photocopy of a transcript, signed by Sister T; and an unsigned notification from a community college that Mrs. G has taken seven units in a course related to nursing.

How does the university know that these transcripts are trustworthy? Good question, says B: the university accepts these informal documents for the time being while the students write for official transcripts. But Mrs. G's letter of admission is not tentative or conditional; it states that the university has evaluated the records submitted and is giving credit for them. Also lacking in the file is any evidence to link the transcript, which is in one name, perhaps a maiden name, to the letter of admission, which is in Mrs. G's married name, though the first name and the middle initials coincide.

Again, B and S concede that the two files are not in good shape, but they say that the students and the students' performance are really better than the files might indicate. After all, this university-without-walls emphasizes a "one-to-one" relationship between faculty and students.

No, there are no entrance examinations.

Yes, we do require a high-school diploma.

Yes, students can enroll by mail; no interview is required. If the student does not visit, we get sufficient information to evaluate his major. Leading choices are marketing management, psychology, and sociology, which seems to suit many nurses.

Some students get their fees reimbursed by their employers, such as the National Aeronautics and Space Administration and the nearby U.S. Naval Station. Federal funds? Yes, also the state Power Co., Montgomery Ward, Westinghouse, and other companies, says B.

The University Bulletin lists a large cluster of courses in Christian education, religion, and the Bible; these, according to B, are dormant. It lists a faculty with few advanced degrees but some marks of business and religious competence. The bulletin is not pretentious and makes no extravagant claims; it speaks of a program designed for "the highly motivated, mature person who CAN and WILL organize his time and energy to meet the high standards of TODAY'S university."

Though the University of K_____ is without walls, its house organ features a photo of a large office--without mentioning that the university was merely a tenant. It has now moved to suburban L_____, where it occupies one large cheerful room shared by President B, Academic Director Edward S, a secretary, a duplicating machine, a coffee machine, and architectural drawings for a new suite of offices.

The university has awarded eighteen baccalaureate degrees, seven master's, and one associate. B says that he received a bachelors of science degree from _____ Southern College and started graduate work in economics but "I didn't make it." [Commenting on this quotation, B writes "I began a master's program, but I left it because of personal reasons, not because 'I didn't make it.'"]

Tomorrow, says B, he is off to talk merger; he does not want to say with whom because two previous sets of negotiations have fallen through. "Our merger partner already has a self-study [i.e., independent study] program and the University of K______ may disappear altogether."

[President B writes: "...the true proof of whether or not we are really a diploma mill is in the work the students do, their assignments, their examinations, their meetings with professors and the backgrounds of the professors....

"There is nothing to be gained, one way or the other, by your report as we have now become part of another university's system. Even though we could dissolve the University of K_____ our agreement is that all UK's debts are to be honored and its students are to be given a re-evaluation by the 'parent' university and credit for all monies paid to date.

"We have made our share of mistakes, mainly because we had to go through a trial and error process and we had no precedent to follow, but one thing is certain--we believe in our concept and we try to do it to the best of our ability. We have never sold a diploma and have never allowed a student to 'merely go through the motions' in accomplishing his required studies...."]

Appendix IV. Accreditation and Federal Funding

Harold Seidman

[The following paper was prepared by Harold Seidman, Professor of Political Science at the University of Connecticut, for a discussion on accreditation and eligibility for federal programs held at the Brookings Institution in October 1972.]

Issue

Should eligibility for funding under various Federal programs be limited to educational institutions accredited by national voluntary agencies or associations which are recognized by the Commissioner of Education "to be reliable authority as to the quality of training offered by an educational institution"?

Background

Accreditation was devised in the United States as a means by which educational institutions and professional associations could establish standards and conduct self-regulation on a voluntary basis without government restraint or direction. The principal objectives of accreditation, as enumerated by William K. Selden, were to (1) certify that an institution or program met standards established by the accrediting association; (2) assist prospective students in identifying acceptable institutions and to assist institutions in determining acceptability of transfer credit; (3) create goals for improvement of weaker programs; (4) involve faculty and staff in planning and self-evaluation process; and (5) protect institutions against harmful internal and external pressures, particularly political interference.

The use of accreditation as a test for determining eligibility for Federal assistance is a comparatively recent development. No reference to accreditation is found, for example, in the Smith-Hughes Act of 1917 and several subsequent laws authorizing Federal assistance for vocational education. Eligibility was in part made contingent on inclusion in the approved state plan of minimum qualifications for teachers, teacher-trainers, supervisors, directors and others responsible for carrying out the Federally-assisted program.

What has now come to be almost "boiler-plate" language with respect to accreditation first appears in the Veterans Readjustment Act of 1952. To receive benefits, eligible veterans were required to enroll in courses offered by educational institutions approved by the State approving agency. The State approving agency could approve courses when (1) such courses had been accredited and approved by a nationally recognized accrediting agency or association; (2) credit for such course was approved by the State Department of Education for credit toward a high school diploma; or (3) such courses were accepted by the State Department of Education for credit for a teacher's certificate or a teachers degree. The Commissioner of Education was directed to publish a list of nationally recognized accrediting agencies and the State approving agencies were authorized to utilize the accreditation by such agencies for course approval. State approving agencies were also authorized to approve non-accredited courses provided that 14 criteria specified in the law (38 U.S.C. 1776) were met.

Provisions establishing accreditation as one of the criteria for eligibility and directing the Commissioner of Education to publish lists of recognized accrediting agencies are now to be found in the National

Defense Education Act of 1958, Higher Education Facilities Act of 1963, National Student Loan Insurance Act of 1965, Higher Education Act of 1965, War orphans Educational Assistance Act of 1965, Health Manpower Act of 1968, Vocational Education Amendment of 1968, Nurse Training Act of 1968, and Omnibus Crime Control and Safe Streets Act of 1968.

The provision was included in the Veterans Readjustment Act of 1952 primarily as a means of protecting the veteran against victimization by a diploma mill. The Federal government was concerned with assistance to the veterans, not to educational institutions. For the same reason the provision was included in War Orphans Assistance Act and National Student Loan Insurance Act. Under other laws Federal assistance has as its objective the support of educational institutions and accreditation is a requirement for institutional eligibility.

While these laws define an "eligible institution" to be an accredited institution, the Commissioner normally is authorized to waive the requirement when he determines that there is no nationally recognized accrediting agency. Under such circumstances he may utilize an advisory committee to evaluate the program or employ the three letter rule (letters from three accredited institutions that they will accept credits for transfer). An institution may also be deemed to be accredited if the Commissioner determines that within a reasonable time it will be able to meet accreditation standards. The advisory committee approach and three letter rule have been employed infrequently.

The language of the Omnibus Crime Control and Safe Streets Act is less restrictive. It incorporates by reference the language in the

Higher Education Act of 1965 "subject to such modifications and extensions as the administration may determine to be appropriate."

Under the Manpower Development and Training Act of 1965 the state agency assumes by agreement responsibility "for continuous supervision of the training programs....to insure the quality and adequacy of the training provided" 42 U.S.C. 2601 (3). There is no reference to accreditation. Accreditation is not specified as a condition for eligibility for institutions of higher education to receive grants from the Office of Education for the operation of institutes to strengthen the teaching of the arts and humanities or the sea grant college program administered by the National Science Foundation. An eligible institution to receive grants for the sea grant program is defined as any public or private institution of higher education which has major programs devoted to increasing our nation's utilization of the world's marine resources.

Discussion

To continue to describe the present system of accreditation as a "voluntary system" is to ignore reality. William K. Selden states: "not only can no institution run the risk of being ineligible for federal grants, it likewise must comply with requirements of accreditation in order that its alumni will be eligible for various governmental positions and other benefits. Accreditation is no longer voluntary." This development has profound implications for the government, the public, educational institutions and the accrediting associations themselves.

The Congress, in effect, has delegated to private associations the power to control access to Federal programs. The delegation of legislative power to private associations without regard to statutory standards raises serious questions both of constitutionality and public policy. In Schecter Poultry Corp. vs. United States (295 U.S. 495) the Supreme Court held title I of the National Industrial Recovery Act to be unconstitutional because it delegated legislative power to the President "without standard or rule, to be dealt with as he pleased." In a concurring opinion, Justice Cardozo characterized the delegated power as "unconfined and vagrant."

Congress clearly has not prescribed a standard or test to guide and control recognized accrediting agencies in the exercise of their discretion. The statutes employ the term accreditation as if it had a precise, commonly understood meaning. The prescribed standards apply only to the recognition of accrediting agencies, not to standards of accreditation. Each association has been left with unrestricted authority to prescribe standards. These differ from one association to another and may be remotely related to the statutory objective of "assuring the quality of training."

Some safeguards would be provided, if the power were delegated to a public agency. But as private associations, the accrediting agencies are not subject to the procedural rules laid down in the Administrative Procedures Act. The legal remedies available to an institution which has been denied accreditation arbitrarily are uncertain.

Serious inequities may result. Certain classes of institutions may be excluded from the benefits of Federal programs, even when there is no clear congressional intent to do so. To tell proprietary institutions such as Marjorie Webster College that their only recourse is to organize their own accrediting association hardly seems to be a satisfactory answer.

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Because of the lack of uniformity in the standards established by the regional accrediting associations, an institution may be denied eligibility because of the accident of its geographical location.

Presumptively, as in the case of most Federal programs, eligibility for funding ought to be related to program objectives as defined by the Congress. As a matter of public policy, eligibility should be established on the broadest possible basis consistent with program objectives. Present arrangements permit the Office of Education to avoid some of the political heat involved in making qualitative judgments among applicants, but in the process it sacrifices public accountability and control.

The linkage between accreditation and eligibility for Federal funding has enhanced the power and increased the visibility of established accrediting agencies and stimulated the organization of new accrediting agencies. These developments have led directly to pressure from educational institutions, the public, and the government to limit the number of accrediting agencies, and to assure that accrediting agencies observe due process and are responsive to the public interest rather than to limited professional and institutional interests.

As coopted government agents, can the accrediting agencies continue to fulfill their historic objectives and maintain autonomy and independence from government control? To what extent is the judgment of evaluators influenced by knowledge that denial of accreditation means denial of Federal funds? How effective can an accrediting agency be in combating improper political interference in academic affairs when the agency itself is subject directly or indirectly to political control?

The accrediting agencies cannot at one and the same time argue successfully that they should perform public functions but should be free of public control. Under the revised criteria for recognition of accrediting agencies proposed by the Office of Education, agencies would be required to conform to government standards with respect to (1) scope of operations; (2) organization; (3) procedures; (4) accountability; (5) responsiveness to the public interest; (6) observance of due process; (7) enforcement of ethical practices; (8) reliability; and (9) autonomy. These types of detailed requirements are the inevitable concomitant of the exercise of public power.

The proposed criteria also raise an issue concerning the propriety of compelling private accrediting associations to act as law enforcement agents of the Federal government in areas only indirectly related to the quality of education and training. To obtain recognition, accrediting agencies must demonstrate a capability to "foster" standards with respect to such matters as nondiscriminatory practices in admissions and employment and equitable student tuition refunds. If it is legitimate to delegate to private associations authority to determine eligibility for Federal funding, can it then be argued logically that it is illegitimate to delegate to such associations responsibility to assure compliance with Federal laws and policies?

There is a genuine fear that Government established standards of eligibility could well represent a step toward Federal control of education. Present arrangements do not wholly eliminate this risk. If as a condition for recognition the Federal government sets the standards for accreditation, the Federal government is controlling education. Utilization of private accrediting agencies to enforce the Federal standards tends more to preserve the appearance than the substance of voluntary self-regulation. If the Federal government does not prescribe standards, then the delegation of power to the accrediting agencies is subject to legal challenge. This then is the dilemma. Is it possible to devise a system which preserves the autonomy and independence of the accrediting agencies without sacrificing public accountability and control?

[Appendix V. The first criteria and list of accrediting agencies recognized by the U.S. Commissioner of Education, 1952, as published in the Federal Register, Oct. 4, 1952, pp. 8929-30.]

FEDERAL SECURITY AGENCY

OFFICE OF EDUCATION

Nationally Recognized Accrediting Agencies and Associations

CRITERIA AND LIST

The Commissioner of Education is required under section 253 of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 663, 675), known as Public Law 550 of the 82d Congress, to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution. The following criteria for determining nationally recognized accrediting agencies and associations have been evolved after consultation with an advisory group of educators. These criteria are presently effective but may nevertheless be modified as necessary or appropriate. For this purpose and in accordance with accepted procedures, interested accrediting agencies and associations are invited to submit suggestions and criticisms to the Commissioner of Education not later than forty-five (45) days from the publication of this notice in the FEDERAL REGISTER.

CRITERIA

The agency or association

1. Is regional or national in the scope of its operations. (Regional as here used means several States);

2. Serves a definite need for accreditation in the field in which it operates;

3. Performs no functions that might prejudice its independent judgment of the quality of an education program;

4. Makes available to the public current information covering: (a) criteria or standards for accreditation, (b) reports of its operations, (c) a list of accredited institutions, courses or educational programs;

5. Has an adequate organization and effective procedures to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency or association:

(a) Secures sufficient and pertinent data concerning the qualitative and quantitative aspects of the work of an institution, including data on such items as the educational objectives, educational programs, admission practices, training and experience of teachers, financial stability, laboratory and library resources.

(b) Uses qualified examiners to visit institutions and inspect courses, programs and facilities and who prepare written reports and recommendations for the use of the reviewing body--and causes such examination to be conducted under conditions that assure an impartial and objective judgment.

(c) Re-evalues at reasonable intervals the accredited institutions, programs and courses of study.

(d) Has financial resources as shown by its current financial statements, necessary to maintain accrediting operations in accordance with published policies and procedures.

6. Accredits only institutions which are found upon such examination to meet specific standards for accreditation, established in advance in terms that include the factors above described.

7. Has had not less than two years' experience as an accrediting agency, or in the alternative demonstrates to the satisfaction of the Commissioner that it has been organized under conditions that reasonably assure stability and permanence and that it has gained the acceptance required under 8 below during such shorter period.

8. Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies and employers throughout the United States;

9. Assurance is given that accreditation for the purposes of the act will not be conditioned on the payment of any sums of money: Provided, however, That a reasonable charge may be made by the agency or association for its services hereunder not exceeding the actual cost of the accreditation.

(LIST 1)

The following list of nationally recognized accrediting agencies and associations which have been determined to be reliable authority, in the field which each represents, as to the quality of training offered by an educational institution is issued as required by section 253 of the Veterans' Readjustment Assistance Act of 1952. This list supersedes the provisional list dated August 8, 1952, distributed to State Approving agencies on August 12, 1952.

Regional Accrediting Associations

Middle States Association of Colleges and Secondary Schools.
New England Association of Colleges and Secondary Schools.[1]
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Secondary Schools.
Western College Association.

National Professional Accrediting Agencies and Associations

Accrediting Association of Bible Institutes and Bible Colleges.
American Association of Colleges for Teacher Education.
American Association of Collegiate Schools of Business.
American Association of Theological Schools.
American Bar Association.
American Council on Education for Journalism.
American Council on Pharmaceutical Education.
American Osteopathic Association.
American Public Health Association.
Board of Education for Librarianship of the American Library Association.
Commission on Accreditation of the Council on Social Work Education.
Committee on Professional Training of the American Chemical Society.
Council on Dental Education of the American Dental Association.
Council on Education and Professional Guidance of the American Optometric Association.
Council on Education of the American Veterinary Medical Association.
Council on Education of the National Association of Chiropodists.
Council on Medical Education and Hospitals of the American Medical Association.
Engineers Council for Professional Developement.
National Architectural Accrediting Board.
National Association of Schools of Music.
National Nursing Accrediting Service of the Division of Nursing Education of the National League for Nursing.
Society of American Foresters.

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[1] Membership in the Association means that institutions have satisfied standards for membership similar to those required by regional accrediting agencies. The Association is represented on the National Committee of Regional Accrediting Agencies.

Additions to and deletions form the list will be made from time to time as conditions warrant. Any agency or association not included on the list which desires to be so included may be added to the list if, in the judgment of the Commissioner it meets the established criteria. Such organization should request inclusion in writing, accompanying such request with evidence establishing its compliance with the criteria. Upon receipt of any such application the Commissioner will make his determination on the basis of the evidence presented and any further or additional evidence including in the discretion of the Commissioner a field inspection. No adverse decision will be made without affording opportunity for a hearing.

Dated: September 17, 1952.

EARL J. McGRATH,
U.S Commissioner of Education.

[Appendix VI. Second set of criteria and list of accrediting agencies recognized by the Commissioner of Education, as published in the Federal Register, January 16, 1969, pp. 643-44.]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

Criteria and List

Preamble. For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82-550 and subsequent legislation, the U.S. Commissioner of Education is required to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions.

The Commissioner will recognize any and all agencies only for the geographic area(s) and program field(s) specifically designated in each case.

Accrediting is the voluntary process whereby an association or agency grants public recognition to a school, institute, college, university, or specialized program of study which meets certain established qualifications and educational standards as determined through initial and periodic evaluations. Accrediting also implies stimulation toward quality improvement beyond the minimum standards specified by the accrediting body.

CRITERIA

The following are the criteria which the Commissioner of Education will utilize in determining whether a nationally recognized accrediting agency or association is reliable authority as to the quality of training offered by educational institutions.

The agency or association:

1. Is regional or national in the scope of its operations. (Regional as here used means several States);

2. Serves a definite need for accreditation in the field in which it operates;

3. Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

4. Makes publicly available (a) current information concerning its criteria or standards for accreditation, (b) reports of its operations, (c) lists of institutions or educational programs which it has accredited;

5. Encourages and gives staff guidance for institutional or program self-study prior to accreditation;

6. Secures sufficient and pertinent data concerning the qualitative aspects of an institution or educational program, and accredits only those institutions or programs which after on-site examination are found to meet the published criteria for accreditation.

7. Has an adequate organization and effective procedures to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency or association:

(a) Clearly sets forth the scope of its accrediting activities, both as to geographical area and nature and type of institutions or program fields covered;

(b) Has financial resources as shown by its audited financial statements necessary to maintain accrediting operations in accordance with published policies and procedures;

(c) Has clear, written definitions of and procedures for (1) the accrediting of institutions or programs, (2) placing them on a probationary status, (3) revoking accredited status, and (4) reinstating the accredited status of an institution or program;

(d) Charges only reasonable fees;

(e) Uses experienced and qualified examiners to visit institutions, to examine educational objectives, to inspect courses, programs, administrative practices, services, and facilities, and to prepare written reports and recommendations for evaluation by the agency or association—and causes such examination to be conducted under conditions that assure an impartial and objective judgment;

(f) Evaluates an institution or program only with the specific authorization of the chief executive officer of the institution;

(g) Provides for adequate consultation during the visit between the team of visitors and the faculty, administrative staff, and students;

(h) As a result of the accreditation visit, furnishes a written report to the chief executive officer of the institution with comments on the institution's areas of strength, on the areas needing improvement, and on suggested means of improvement;

(i) Provides the chief executive officer with an opportunity to comment upon the factual elements of the report of the visiting team before the agency or association takes action on it;

(j) Evaluates the report of the team in the presence of a member of the team, preferably the chairman;

(k) Provides a regular means whereby the institution may appeal to the final authority in the agency or association;

(l) Reevaluates at reasonable intervals its accredited institutions, and educational programs;

8. If an agency has developed a preaccreditation status, it shall have adequate procedures and requirements for the award of such status, comparable to those employed for the award of accredited status;

9. Reviews at regular intervals the criteria by which it evaluates institutions or educational programs in order that the criteria shall both support constructive analysis and emphasize factors of critical importance;

10. Has demonstrated not less than 2 years' experience as an accrediting agency;

11. Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies and employers throughout the United States.

12. Has demonstrated its capability and willingness to enforce ethical practices among the institutions, and educational programs accredited by it.

In view of the criteria set forth above, it is unlikely that more than one association or agency will qualify for recognition (a) in a defined geographical area of jurisdiction or (b) in a defined field of program specialization within postsecondary or collegiate education.

These criteria supersede the criteria previously promulgated by the Commissioner of Education on October 4, 1952, 17 F.R. 8929-893.

LIST

The following list of nationally recognized accrediting agencies and associations includes organizations which have been determined by the Commissioner of Education to be reliable authority as to the quality of training offered by educational institutions either in a geographical area or in a specialized field. This list is published as required by the pertinent legislation and is based on information currently available.

Any other agency or association which desires to be included in the list should request inclusion in writing. Each agency or association listed will be reevaluated by the Commissioner at his discretion but at least once every 4 years.

For initial recognition and for renewal of recognition, the agency or association will be requested to furnish information establishing its compliance with the stated criteria. This information may be supplemented by personal interviews or investigation of the agency's facilities, records, personnel qualifications, and administrative procedures. No adverse decision will become final without affording opportunity for a hearing.

REGIONAL ACCREDITING ASSOCIATIONS AND AGENCIES

Middle States Association of Colleges and Secondary Schools.
New England Association of Colleges and Secondary School.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Schools.
Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS AND AGENCIES

Accrediting Association of Bible Colleges.
Accrediting Commission for Business Schools.
The American Association of Collegiate Schools of Business.
American Association of Nurse Anesthetists.
The American Association of Theological Schools.
American Bar Association.
American Chemical Society.
American Council on Education for Journalism.
American Council on Pharmaceutical Education.
American Dental Association.
American Library Association.
American Optometric Association.
American Osteopathic Association.
American Podiatry Association.
The American Public Health Association, Inc.
American Speech and Hearing Association.
American Veterinary Medical Association.
Council on Medical Education of the American Medical Association.
Council on Social Work Education.
Engineers' Council for Professional Development.
Liaison Committee on Medical Education.
National Architectural Accrediting Board.
National Association for Practical Nurse Education and Services, Inc.
National Association of Schools of Art.
National Association of Schools of Music.
National Association of Trade and Technical Schools.
National Council for Accreditation of Teacher Education.
National Home Study Council.
National League for Nursing, Inc.
Society of American Foresters.

OTHER

New York Board of Regents.

Dated: December 31, 1968.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-553; Filed, Jan. 15, 1969; 8:47 a.m.]

[Appendix VII. The third set of criteria and procedures for recognizing accrediting agencies, as published in the Federal Register, August 20, 1974, pp. 30042-43.]

PART 149—COMMISSIONER'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING BODIES AND STATE AGENCIES

Subpart A—Criteria for Nationally Recognized Accrediting Agencies and Associations

Sec.
149.1 Scope.
149.2 Definitions.
149.3 Publication of list.
149.4 Inclusion on list.
149.5 Initial recognition; renewal of recognition.
149.6 Criteria.

AUTHORITY: (20 U.S.C. 403(b), 1085(b), 1141(a), 1248(11)); (42 U.S.C. 293a(b) 295f-3(b), 295h-4(1)(D), 298b(f)); (8 U.S.C. 1101(a)(15)(F)); (12 U.S.C. 1749c(b)); (38 U.S.C. 1775(a)).

Subpart B—Criteria for State Agencies

Sec.
149.20 Scope.
149.21 Publication of list.
149.22 Inclusion on list.
149.23 Initial recognition; reevaluation.
149.24 Criteria.

AUTHORITY: Sec. 438(b) of the Higher Education Act of 1965, Pub. L. 89-329 as amended by Pub. L. 92-318, 86 Stat. 235, 264 (20 U.S.C. 1087-1(b)).

Subpart A—Criteria for Nationally Recognized Accrediting Agencies and Associations

§ 149.1 Scope.

Accreditation of institutions or programs of institutions by agencies or associations nationally recognized by the U.S. Commissioner of Education is a prerequisite to the eligibility for Federal financial assistance of institutions and of the students attending such institutions under a wide variety of federally supported programs. The recognition of such agencies is reflected in lists published by the Commissioner in the FEDERAL REGISTER. Inclusion on such list is dependent upon the Commissioner's finding that any such recognized agency or association is reliable authority as to the quality of training offered. The Commissioner's recognition is granted and the agency or association is included on the list only when it meets the criteria established by the Commissioner and set forth in § 149.6 of this part.

§ 149.2 Definitions.

"Accrediting" means the process whereby an agency or association grants public recognition to a school, institute, college, university, or specialized program of study which meets certain established qualifications and educational standards as determined through initial and periodic evaluations. The essential purpose of the accreditation process is to provide a professional judgment as to the quality of the educational institution or program(s) offered and to encourage continued improvement thereof.

"Adverse accrediting action" means denial of accreditation or preaccreditation status or the withdrawal of accreditation or preaccreditation status;

"Agency or association" means a corporation, association, or other legal entity or unit thereof which has the principal responsibility for carrying out the accrediting function;

"Institutional accreditation" applies to the total institution and signifies that the institution as a whole is achieving its educational objectives satisfactorily;

"Regional" means the conduct of institutional accreditation in three or more States;

"Representatives of the public" means representatives who are laymen in the sense that they are not educators in, or members of, the profession for which the students are being prepared, nor in any way are directly related to the institutions or programs being evaluated;

"States" includes the District of Columbia and territories and possessions of the United States.

(20 U.S.C. 1141(a))

§ 149.3 Publication of list.

Periodically the U.S. Commissioner of Education will publish a list in the FEDERAL REGISTER of the accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions or programs, either in a geographical area or in a specialized field. The general scope of the recognition granted to each of the listed accrediting bodies will also be listed.

§ 149.4 Inclusion on list.

Any accrediting agency or association which desires to be listed by the Commissioner as meeting the criteria set forth in § 149.6 should apply in writing to the Director, Accreditation and Institutional Eligibility Staff, Bureau of Postsecondary Education, Office of Education, Washington, D.C. 20202.

§ 149.5 Initial recognition, and renewal of recognition.

(a) For initial recognition and for renewal of recognition, the accrediting agency or association will furnish information establishing its compliance with the criteria set forth in § 149.6. This information may be supplemented by personal interviews or by review of the agency's facilities, records, personnel qualifications, and administrative management. Each agency listed will be reevaluated by the Commissioner at his discretion, but at least once every four years. No adverse decision will become final without affording opportunity for a hearing.

(b) In view of the criteria set forth in § 149.6, it is unlikely that more than one association or agency will qualify for recognition (1) in a defined geographical area of jurisdiction or (2) in a defined field of program specialization within secondary or postsecondary education. If two or more separate organizations in a defined field do seek recognition, they will both be expected to demonstrate need for their activities and show that they collaborate closely so that their accrediting activities do not unduly disrupt the affected institution or program.

(20 U.S.C. 1141(a))

§ 149.6 Criteria.

In requesting designation by the U.S. Commissioner of Education as a nationally recognized accrediting agency or association, an accrediting agency or association must show:

(a) *Functional aspects.* Its functional aspects will be demonstrated by:

(1) Its scope of operations:

(i) The agency or association is national or regional in its scope of operations.

(ii) The agency or association clearly defines in its charter, by-laws or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(2) Its organization:

(i) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner.

(ii) The agency or association defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement.

(iii) The agency's or association's fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process.

(iv) The agency or association uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices: (A) to participate on visiting evaluation teams; (B) to engage in consultative services for the evaluation and accreditation process; and (C) to serve on policy and decision-making bodies.

(v) The agency or association includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff.

(3) Its procedures:

(i) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited statuses.

(ii) The agency or association, if it has developed a preaccreditation status, provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation.

(iii) The agency or association re-

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quires, as an integral part of its accrediting process, institutional or program self-analysis and an on-site review by a visiting team.

(A) The self-analysis shall be a qualitative assessment of the strengths and limitations of the institution or program, including the achievement of institutional or program objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(B) The agency or association provides written and consultative guidance to the institution or program and to the visiting team.

(b) *Responsibility.* Its responsibility will be demonstrated by the way in which—

(1) Its accreditation in the field in which it operates serves clearly identified needs, as follows:

(i) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions.

(ii) The agency's or association's purposes and objectives are clearly defined in its charter, by-laws, or accrediting standards.

(2) It is responsive to the public interest, in that:

(i) The agency or association includes representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies.

(ii) The agency or association publishes or otherwise makes publicly available:

(A) The standards by which institutions or programs are evaluated;

(B) The procedures utilized in arriving at decisions regarding the accreditation status of an institution or program;

(C) The current accreditation status of institutions or programs and the date of the next currently scheduled review or reconsideration of accreditation;

(D) The names and affiliations of members of its policy and decision-making bodies, and the name(s) of its principal administrative personnel;

(E) A description of the ownership,

(iii) The agency or association provides advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption.

(iv) The agency or association has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(3) It assures due process in its accrediting procedures, as demonstrated in part by:

(i) Affording initial evaluation of the institutions or programs only when the chief executive officer of the institution applies for accreditation of the institution or any of its programs;

(ii) Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(iii) Furnishing, as a result of an evaluation visit, a written report to the institution or program commenting on areas of strengths, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution or program may not be in compliance with the agency's standards;

(iv) Providing the chief executive officer of the institution or program with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(v) Evaluating, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(vi) Providing for the withdrawal of accreditation only for cause, after review, or when the institution or program does not permit reevaluation, after due notice;

(vii) Providing the chief executive of- crediting action, and notice of the right to appeal such action;

(viii) Establishing and implementing published rules of procedure regarding appeals which will provide for:

(A) No change in the accreditation status of the institution or program pending disposition of an appeal;

(B) Right to a hearing before the appeal body;

(C) Supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(4) It has demonstrated capability and willingness to foster ethical practices among the institutions or programs which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(5) It maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(6) It secures sufficient qualitative information regarding the institution or program which shows an on-going program evaluation of outputs consistent with the educational goals of the institution or program.

(7) It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program.

(8) It accredits only those institutions or programs which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(9) It reevaluates at reasonable intervals institutions or programs which it has accredited.

(10) It requires that any reference to its accreditation of accredited institutions and programs clearly specifies the areas and levels for which accreditation has been received.

(c) *Reliability.* Its reliability is demonstrated by—

(1) Acceptance throughout the United States of its policies, evaluation methods, and decisions by educators, educational institutions, licensing bodies, practitioners, and employers;

(2) Regular review of its standards, evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(3) Not less than two years' experience as an accrediting agency or association;

(4) Reflection in the composition of its policy and decisionmaking bodies of the community of interests directly affected by the scope of its accreditation.

(d) *Autonomous.* Its autonomy is demonstrated by evidence that—

(1) It performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(2) It provides in its operating procedures against conflict of interest in the rendering of its judgments and decisions.

(20 U.S.C. 1141(a))

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